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General Assembly
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Agenda items 20 (a) and (b), 33, 49 and 73 (j), (l), (s) and (w)

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations; special economic assistance to individual countries or regions

Culture of peace

The situation in East Timor during its transition to independence

General and complete disarmament: consolidation of peace through practical disarmament measures; assistance to States for curbing the illicit traffic in small arms and collecting them; illicit traffic in small arms; small arms

Security Council
Fifty-sixth year

Letter dated 2 April 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Japan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the Chairman's summary of the International Symposium on Conflict Prevention, entitled "Culture of Prevention: Multi-Actor Coordination from UN to Civil Society", which was held from 13 to 14 March 2001 in Tokyo.

I should be grateful if you would have the present letter and its annex distributed as a document of the General Assembly, under agenda items 20 (a), 20 (b), 33, 49, 73 (j), 73 (l), 73 (s) and 73 (w), and of the Security Council.

(*Signed*) Kiyotaka **Akasaka**
Ambassador
Chargé d'affaires a.i.
Permanent Mission of Japan to the United Nations

01-32527 (E) 110401

Annex to the letter dated 2 April 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Japan to the United Nations addressed to the Secretary-General

International Symposium on Conflict Prevention: Culture of Prevention: Multi-Actor Coordination from UN to Civil Society

13-14 March 2001, Tokyo

Introduction

The International Symposium on Conflict Prevention, entitled "Culture of Prevention: Multi-Actor Coordination from UN to Civil Society," was held from 13 to 14 March 2001 in Tokyo to consider how to achieve the successful coordination among various actors engaged in conflict prevention activities, such as the United Nations, other international organizations, regional organizations, governments, local communities, and civil society, including NGOs, etc. In order to focus the discussions, the Symposium addressed two specific themes, "Small Arms & Light Weapons in the Case of Cambodia" and "Conflict and Development in the Case of East Timor." The Symposium was organized by the Government of Japan, as a follow-up to the "G8 Miyazaki Initiatives for Conflict Prevention (A/55/161-S/2000/714)." The list of participants is attached hereto (see Appendix).

The Symposium, chaired by Mr. Yasushi Akashi, Chairman of the Japan Center for Preventive Diplomacy, former Special Representative of the Secretary-General for Cambodia, and later, for the former Yugoslavia, consisted of two sessions of the Plenary and two Sub-Group Meetings. The first and introductory session of the Plenary Meeting with keynote remarks by the representatives of various actors was followed by the two Sub-Group Meetings. The Sub-Group Meetings were held in parallel, each addressing one of the above-mentioned specific themes. The second session of the Plenary Meeting heard additional keynote remarks by the representatives of various actors as well as the reports from the moderators of two Sub-Group Meetings. The Chair of the Symposium concluded the Symposium by issuing the Chairman's Summary, which was drafted in the Chairman's capacity. The whole text of the Chairman's Summary is as follows.

Chairman's Summary

I. PLENARY DISCUSSION

1. BASIC THEMES

With the growing number of actors engaged in conflict prevention activities today, we have witnessed a wide variety of efforts for preventing conflicts on the ground. The key to successful preventive measures is how to achieve the optimum coordination among those actors, based upon their respective roles and comparative advantages. This symposium is one of the follow-ups to the G8 Miyazaki Initiatives for Conflict Prevention, which emphasized a comprehensive, integrated approach. In addition to these well-known aspects of a better approach to conflict prevention, concrete suggestions were made on two issues, the collection and destruction of small arms and light weapons in Cambodia, and reconciliation and development in East Timor.

2. THE NEED FOR A SYSTEMATIC STRATEGY EMBRACING ALL ACTORS

At present, there exists inadequate coordination and insufficient communication among multiple-actors working at conflict prevention, resulting in ineffectiveness and failure, with the actions of some actors canceling out those of other actors. On the other hand, solid coordination could serve to alleviate or eliminate difficulties faced by the actors concerned, ensuring that resources are applied in a more efficient manner, and that assistance reaches communities that are most in need.

Therefore, we recommend that best practices should be established with the advantages and diversity of different actors, ensuring that our undertakings move more effectively toward the same coherent goal. At the same time, it was noted that excessive efforts on coordination on procedural issues could hamper dynamism and initiatives of various actors.

3. LONG-TERM STRUCTURAL PREVENTION & SHORT-TERM CRISIS MANAGEMENT

It is generally understood that we have been witnessing two approaches to conflict prevention activities. The first type of these activities are those addressing the root causes of conflict and building the foundations of peaceful and stable societies. These activities take a variety of forms, such as broad, comprehensive development, participatory governance, equitable use of natural resources, educational systems, etc. Situations of severe poverty, especially in societies divided by ethnicity or religion, are a breeding ground for violent conflict, often triggered by political extremism or sudden economic downturn. Post-conflict peace building is essential for the prevention of the recurrence of conflict.

Short-term crisis management or preventive diplomacy involves identifying as early as possible where and how violent conflict may erupt, and acting or responding as quickly and decisively as possible. This can involve a variety of actions, ranging from preventive diplomacy to coercive measures as necessary.

4. KEY ELEMENTS IN A CULTURE OF PREVENTION

The key elements necessary for establishing a culture of conflict prevention are, among others, the collection and destruction of small arms, the return and reintegration of refugees, reconciliation and community development, social and economic measures to generate an atmosphere for co-existence or to cure root causes of conflicts, and building local capacities for good governance and equitable and sustainable development.

5. RECOMMENDATIONS FOR ACTORS

The UN and other international organizations should continue to advocate new initiatives and norms. In particular, they should take the lead in designing and promoting international efforts in this area. Recent examples include the restriction on the illicit trade of diamonds in conflict areas, and restrictions on the small arms trade.

The UN, other international organizations and governments are urged to contemplate involving responsible NGOs in the design and conceptualizing stages of conflict prevention policy. It is not enough just to try to cooperate in times of crises.

Therefore, a greater effort should be made to bring together all the stakeholders in conflict prevention.

The UN and other international organizations are invited also to take the lead, as appropriate, in coordinating the whole range of actors involved in conflict prevention. They should also further promote internal coordination, including at the field level. It is recognized that coordination be best promoted at the outset of operations.

Governments are requested to increase flexibility in their management of ODA and to share information, with a view to assisting and encouraging NGOs engaged in conflict prevention.

Local civil society actors including NGOs can play a key role in 'bottom-up' strategies of conflict prevention. For example, in education, or possibly in reconciliation, a major capacity-building initiative should be directed at enhancing the positive role that local and international NGOs can play, whilst allowing them to maintain their autonomy and identity. NGOs, however, should base their activities on their own expertise. In view of the complexity of local political and humanitarian challenges, NGOs could benefit from strengthening their expertise, including their analytical capacity.

Promoting a culture of prevention in non-conflict countries should include efforts to ensure that the viewpoint of international cooperation should be taken into consideration in school education. The media can also play a major role in dissemination of information on conflict prevention among the wider public, and their role should be exercised carefully and responsibly if they are to be useful and effective. Indeed, evidence has shown that sometimes the media are used to incite conflict.

II. SUB-GROUP MEETINGS

1. *SUB-GROUP 1: Small Arms and Light Weapons in the Case of Cambodia*

Key-Note Presentations:

In Sub-Group 1, discussions were focused on the problem of excessive and destabilizing availability of small arms and light weapons, more specifically on the collection and destruction of such weapons in Cambodia where long-lasting civil wars finally came to an end, because the excessive availability of such weapons seriously threatens internal security, stability and economic and social development.

Prior to the Sub-Group meeting, at the end of the plenary session yesterday morning, we all listened to the very important key-note presentation by H. E. Lt. Gen. HOK Lundy, Director General of Cambodian National Police, in which we were briefed about the overall efforts the Royal Cambodian Government is making in the collection and destruction of weapons. More than a hundred thousand weapons have already been collected, and about one third of them destroyed. Efforts are also made to prevent their proliferation to neighboring countries. Becoming aware of the courageous efforts being made by the Royal Government of Cambodia, the international communities and non-governmental organizations including indigenous NGOs like the Working Group for Weapons Reduction are now coming to cooperate and assist with such efforts, but since it will take longer and greater efforts to resolve the problem, much more efforts for assistance and cooperation by actors other than the Cambodian government are required.

Following this presentation made by H. E. Lt. Gen. HOK Lundy, Sub-Group 1 started its deliberations by receiving three more presentations, one by H. E. Mr. UNG Samy, Governor of Pursat Province on the present situation and the challenges of the problem of small arms in his Province, secondly by Brigadier General (Rtd.) Henny J. van der Graaf, project manager of the European Union Assistance in curbing Small Arms in Cambodia (EU ASAC) on his activities in Cambodia, particularly on several concrete projects now underway, and finally by Mr. Osanai, one of the Deputy Director-Generals of the Japanese Foreign Ministry on the Japanese policy to assist Cambodia in some of the projects related to small arms.

Summary of Discussions:

- First, it should be reiterated that it was the Cambodian government and the people of Cambodia who started to take the initiative to make intensified efforts for disarmament and demobilization since several years ago, because without such efforts internal peace and security, and social and economic development cannot be secured or put on the right track.

- Second, for the purpose of the collection and destruction of weapons, a number of initiatives and projects are already underway or about to be launched in Cambodia.
- Third, what is of great importance in such efforts is the establishment of a reliable police and security system that would reassure ordinary citizens that they would not have to keep arms for the protection of their lives and property.
- Fourth, with respect to the illicit trafficking of small arms across the borders with neighboring countries, effective measures to eradicate such trafficking will have to be taken, because unless the supply of such weapons are stopped any efforts to reduce their excessive availability are bound to end up in a failure.
- Fifth, a comprehensive approach encompassing not only disarmament and demobilization but also social and economic development has to be promoted.
- Sixth, the important role civil societies can play in raising public awareness was stressed by all the participants.
- Seventh, the coordination of various efforts by various actors is a matter of great importance.

2. *SUB-GROUP 2: Conflict and Development in the Case of East Timor*

The sub-group on "conflict and development in East Timor" canvassed a wide range of issues before focussing specifically on the question of reconciliation and its relationship with development in East Timor. Among the suggestions of a general nature made were:

- There should be a high level of participation by local communities in projects, and good coordination is essential among all actors in development projects.
- Contingency measures should immediately be put in place to deal with the economic dislocation expected when the UN administration leaves. It is especially important to develop measures to deal with the expected sudden rise in unemployment that will occur and to develop projects in rural areas that will mop up this unemployment.
- More concentrated efforts should be made to encourage the return of "old" NGOs that operated in East Timor under Indonesian rule.
- International community should strongly support East Timor's nation building efforts

as a strategy to manage the expected rise in conflict and social tension immediately after independence.

- Better training of police (including training in how to use increased crime-fighting powers to ensure that they do not infringe on the rights of citizens).
- Gender equity is important and very specific strategies need to be developed to promote gender equity including long-term capacity building projects for women.

On the question of reconciliation to the development of East Timor, the sub-group saw two dimensions of the reconciliation issue: reconciliation among the East Timorese themselves and reconciliation between East Timor and Indonesia.

In order to promote reconciliation among the East Timorese themselves the group regarded the following ideas as important:

- Reconciliation and development go together and expanding economy and growing prosperity are safeguards against the rise of conflict.
- Reconciliation and justice must go hand in hand, but because the interface between the two is problematic there needs to be well-funded study of the coordination between reconciliation and justice.
- The role of community mediation councils such as already exist in Covalima should be expanded to embrace reconciliation. The feasibility of one-stop legal advice centers should be investigated.
- Strategies need to be developed to encourage informal reconciliation practices as well as strategies to ensure that current judicial mechanisms are truly sustainable after the departure of the UN.
- East Timor's future membership of ASEAN is an important strategy for consolidating reconciliation between Indonesia and East Timor and the admission of East Timor to ASEAN needs to be supported by the international community.
- Trade relations between Indonesia and East Timor, especially trade across the border, is critical to the success of reconciliation between the two countries and this trade needs to be facilitated by the international community.
- The mass media, especially radio, are important for the promotion of reconciliation in East Timor. Radio and print media need to be strengthened. There is an urgent

necessity for reliable information on security and economic conditions in East Timor to be disseminated among East Timorese refugees and West Timor. It is desirable that refugees in West Timor have access to newspapers and radio broadcasts from East Timor.

- Indonesia should be persuaded to honour its commitment to investigate and report reliably on the wishes of East Timorese refugees in West Timor or alternatively to allow an independent assessment of the wishes of the East Timorese refugees.

Appendix*

List of Participants

March 13, 2001
(Per each group, in alphabetical order)

Plenary Meeting

Chair

Mr. Yasushi AKASHI	Chairman, The Japan Center for Preventive Diplomacy

Moderators

Sub-Group Meeting 1: Small Arms and Light Weapons in the Case of Cambodia

Mr. Mitsuro DONOWAKI	Special Assistant to the Minister for Foreign Affairs, Japan

Sub-Group Meeting 2: Conflict and Development in the Case of East Timor

Dr. George QUINN	Head of Southeast Asia Centre, Faculty of Asian Studies, Australian National University

Representatives from United Nations

Prof. Dr. Hans van GINKEL	Rector, United Nations University
Mr. John RENNINGER	Director, Asia and the Pacific Division Department of Political Affairs, United Nations
Mr. Hatsuhisa TAKASHIMA	Director, United Nations Information Centre

Representatives from Academia

Dr. Patrick CRONIN	Director, Research and Studies Program, US Institute of Peace
Prof. Hisako SHIMURA	President, Tsuda College

Representatives from NGOs

Mr. Kazuyuki KINBARA	Deputy Director, International Economic Affairs Bureau, Keidanre
Mr. NEB Sinthay	Executive Coordinator, Working Group for Weapons Reduction in Cambodia (WGWR)
Sir Harold WALKER	President, Care International

Representative from Cambodia

Lt. Gen. HOK Lundy	Director General of National Police

Representative from East Timor

Ms. Emilia PIRES	Head, National Planning and Development Agency, UNTAET/ETTA

Representative from Japanese Government

Mr. Katsuhiko OKU	Director, United Nations Policy Division, Foreign Policy Bureau, Ministry of Foreign Affairs

* The appendix is being issued in the language of submission only.

Sub-Group Meeting 1: Small Arms and Light Weapons in the Case of Cambodia

Moderator

Mr. Mitsuro DONOWAKI	Special Assistant to the Minister for Foreign Affairs, Japan

Representatives from Cambodia

Cambodian Government:

Lt. Gen. HOK Lundy	Director General, National Police
Brig. Gen. MAO Chandara	Director of Staff Department, Ministry of Interior
Pol. Col. SAR Moline	Acting Director, International Relations and ASEAN Department, Ministry of Interior

Local Governments:

H.E. Mr. UNG Samy	Governor of Pursat Province
H.E. Mr. LOY Sophat	Governor of Kratie Province

Representative from Australia

Mr. Bernard LYNCH	Director, Conventional and Nuclear Disarmament Section, Department of Foreign Affairs and Trade

Representative from EU

Brig. Gen. RNA (Rtd.) Henny van der GRAAF	Special Adviser, European Union/Project Manager EU/ASAC (European Assistance on Small Arms and Light Weapons in Cambodia)

Representative from Permanent Missions to the United Nations

H.E. Mr. OUCH Borith	Permanent Representative, Ambassador Extraordinary and Plenipotentiary Permanent Mission of the Kingdom of Cambodia to the United Nations

Representatives from United Nations

Mr. Evgeniy GORKOVSKIY	Director and Deputy to the Under-Secretary-General, Department for Disarmament Affairs
Dr. ROS Chhay	Provincial Programme Manager, UNDP/CARERE

Representatives from United Nations Affiliated Institutions

Mr. Ivor FUNG	Director, Regional Centre for Peace & Disarmament in Africa
Mr. Péricles GASPARINI	Director, Regional Centre for Peace, Disarmament and Development in Latin America and Caribbean

Representatives from Academia

Mr. Tsutomu ARAI	Senior Research Fellow, Center for the Promotion of Disarmament and Non-Proliferation, Japan Institute for International Affairs

Mr. Masamichi KAMIYA	Visiting Research Fellow, Hiroshima Peace Institute
Dr. Benny WIDYONO	Former United Nations Secretary-General's Representative in Cambodia, Researcher on Post-Conflict Peace building

Representatives from NGOs (Japan)

Prof. Kuniaki ASOMURA	Executive Director, The Japan Center for Preventive Diplomacy
Mr. Naoto SAKAGUCHI	Vice Secretary General, InterBand

Representatives from NGOs (Overseas)

Prof. Kevin CLEMENTS	Secretary General, International Alert
Dr. Tyrol FERDINANDS	General Secretary, National Peace Council of Sri Lanka
Mr. NEB Sinthay	Executive Coordinator, Working Group for Weapons Reduction in Cambodia (WGWR)

Others

Mr. Yoshitomo TANAKA	President, Radiopress, Inc.

Representative from Japan International Cooperation Agency

Mr. Satoru KUROSAWA	Director, Global Issues Division, Planning and Evaluation Department

Representative from Japanese Government

Mr. Takashi OSANAI	Deputy Director-General for Arms Control and Scientific Affairs, Ministry of Foreign Affairs

Sub-Group Meeting 2: Conflict and Development in the Case of East Timor

Moderator

Dr. George QUINN	Head of Southeast Asia Centre, Faculty of Asian Studies, Australian National University

Representatives from East Timor

Ms. Emilia PIRES	Head, National Planning and Development Agency, UNTAET/ETTA
Mr. Salvador SOARES	Member of National Council, ETTA Publisher and Editor in Chief of Daily Suara Timor Lorosae

Representative from Australia

Mr. James BATLEY	Australian Representative to UNTAET (Dili)

Representative from Permanent Missions to the United Nations

H.E. Mr. Martin ANDJABA	Permanent Representative Ambassador Extraordinary and Plenipotentiary Permanent Mission of Namibia to the United Nations

Representatives from United Nations

Mr. Kenji ISEZAKI	Senior Civil Officer, UNTAFT
Mr. John RENNINGER	Director, Asia and the Pacific Division Department of Political Affairs, United Nations

Representative from International Institutions

Ms. Sarah CLIFFE	Chief of Mission, World Bank Office in Dili

Representatives from NGOs (Japan)

Dr. Masako ISHII	Peace Policy Unit Coordinator, Peace Winds Japan
Mr. Kiyokazu KOSHIDA	Director, International Cooperation Pacific Asia Resource Center
Mr. Toshiya TSUKAMOTO	Director of ADRA Japan

Representatives from NGOs (Overseas)

Dr. Ines SMYTH	Regional Policy Team Advisor-East Asia, OXFAM GB
Sir Harold WALKER	President, Care International

Representative from Academia

Ms. Flaurie STORIE	Executive Director, Canadian International Institute of Applied Negotiation

Representatives from Japan International Cooperation Agency

Mr. Teruyoshi KUMASHIRO	Director, Southeast Asia Division, Regional Department I
Mr. Aiichiro YAMAMOTO	General Affairs Department Ex-UNTAET Senior Civil Affairs Officer

Representative from Japanese Government

Mr. Hiroshi MATSUURA	Representative of Liaison Office of the Government of Japan in East Timor

United Nations S/2001/323

Security Council

Distr.: General
5 April 2001
English
Original: Russian

Letter dated 3 April 2001 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the text of a statement of 3 April 2001 by the Ministry of Foreign Affairs of the Russian Federation on the settlement of the situation with respect to Iraq (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) S. **Lavrov**
Ambassador
Permanent Representative

01-32004 (E) 050401 050401

Annex to the letter dated 3 April 2001 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Statement by the Ministry for Foreign Affairs of the Russian Federation on the settlement of the situation with respect to Iraq

The continuing tension with respect to Iraq has a destabilizing impact on the situation in the Persian Gulf region and in the Middle East as a whole. The Russian Federation is firmly convinced that a solution to the complex set of chronic problems in that region must be found exclusively through the political and diplomatic channel.

There is today an acute need for new approaches to the problem of Iraq based on taking into account the interrelatedness of all its aspects and the realities of the dynamically evolving situation. The speedy ending of the current deadlock with regard to the settlement of the Iraq issue will make it possible to ensure the implementation of the relevant Security Council resolutions on Iraq and to lift the international sanctions against that country, of which the civilian population is the main victim.

The Russian Federation proposes to all States interested in a comprehensive settlement of the Iraq issue and the stabilization of the situation in the Persian Gulf region that they unite their efforts on the basis of a "package" approach entailing the suspension and then the lifting of economic sanctions in exchange for the re-establishment in Iraqi territory of an international disarmament monitoring system.

Within a short period of time, Iraq and the Secretary-General of the United Nations could draw up a concrete formula for giving effect to this idea which would include the objectives and modalities of inspection activity, the status of and rules of conduct for the staff of the international monitoring organ in Iraqi territory, a dispute settlement mechanism, etc. All of these issues must be embodied in a memorandum of understanding between the Government of Iraq and the United Nations.

If within a clearly defined reasonable period the monitoring organ finds no activity by Iraq associated with prohibited military programmes, the Security Council will take a decision on the lifting of economic sanctions against Iraq. This should take place in parallel with the normalization of Iraq's bilateral relations with Kuwait and Saudi Arabia.

In their dealings with Iraq, all States Members of the United Nations will be guided by the principles of respect for its sovereignty and territorial integrity, as provided for in the relevant Security Council resolutions, and refrain from action running counter to the universally accepted norms of international law.

The Russian Federation also calls for a speedy settlement of the situation in the Persian Gulf region as a whole, its peaceful reconstruction and transformation into a zone free from all types of weapons of mass destruction and the development there of comprehensive trade and economic cooperation. To this end, there is a need to construct in the region a system of agreements and corresponding international guarantees of renunciation of the use of force in international relations, respect for

territorial integrity and sovereignty and non-interference in one another's internal affairs.

The Russian Federation is ready to cooperate with all interested countries in developing a concrete formula for post-crisis reconstruction in the Persian Gulf region.

3 April 2001.

United Nations S/2001/324

Security Council

Distr.: General
4 April 2001
English
Original: Arabic

Letter dated 3 April 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 3 April 2001 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq.

The Minister refers to the statements made in paragraph 161 of your report of 2 March 2001 pursuant to paragraph 5 of resolution 1330 (2000) (S/2001/186) on the question of entry visas for United Nations personnel. To establish the facts, he states that the Office of the Iraq Programme has abused its power to request entry visas, has caused a great waste of Iraqi funds and has ignored the provisions of the memorandum of understanding requiring consultation with the Iraqi side with respect to all operations of the Programme. He refers to Iraq's full cooperation with the United Nations Office of the Humanitarian Coordinator in granting entry visas to United Nations personnel, 991 such visas having been granted in the year 2000 despite a sense that visa requests were excessive, visas were being requested for carpenters and switchboard operators when it should have been possible to employ Iraqis with expertise in these fields and the recruitment of all these international personnel has had no positive impact on the performance of the Programme, especially in the electricity and mine-clearance sectors.

Although paragraph 33 of the memorandum of understanding requires that the United Nations Inter-Agency Humanitarian Programme should operate in the three northern governorates on behalf of the Government of Iraq, the Iraqi side has been left without access to information on the operation of the Programme, where excessive prices have been noted under certain contracts and, in particular, in the case of a contract for the supply of diesel generators by a Danish company.

The Minister therefore requests you to consider conducting a review of the circumstances in which the contract in question was signed, to instruct the Office of the Iraq Programme to provide the Iraqi Government with copies of all the contracts that have been signed for the implementation of the Programme in the northern governorates and to give instructions for the Board of Auditors to conduct a comprehensive review of expenditures from the 13 per cent and 2.2 per cent accounts.

01-32019 (E) 060401 060401

The Minister expresses the hope that he will receive from you a positive response.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative

Annex to the letter dated 3 April 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I refer to paragraph 161 of your report of 2 March 2001 pursuant to paragraph 5 of resolution 1330 (2000) (S/2001/186), in which you say that you are "very much concerned that ... there have been inordinate delays in the issuance of visas to United Nations personnel". In order to establish the facts concerning this matter and concerning the practices of the Office of the Iraq Programme in general, I present to you herein some evidentiary considerations that demonstrate in an unequivocal manner that the United Nations Office of the Iraq Programme has greatly abused the exercise of its power to request entry visas, that it has caused a great waste of Iraqi funds allocated to meeting the urgent humanitarian needs of the people of Iraq and that it has failed to implement those provisions of the memorandum of understanding of 20 May 1996 (S/1996/356) that require consultation with the Iraqi side with respect to all operations of the Programme.

Since the memorandum of understanding and the oil-for-food programme first took effect at the end of 1996, Iraq has been cooperating fully with the United Nations Office of the Humanitarian Coordinator for Iraq in granting entry visas to United Nations personnel working within the framework of the memorandum of understanding. For example, during the year 2000 the Government of Iraq granted a total of 991 entry visas, broken down as follows:

United Nations Development Programme/electricity project in the three northern governorates	433
Office of the Coordinator	188
Mine-clearance programme in the three northern governorates	41
United Nations Children's Fund	86
World Health Organization	45
World Food Programme	50
Food and Agriculture Organization of the United Nations	148
Total	**991**

Despite our sense at the time that requests for entry visas were excessive, that they were more numerous than could be justified by the volume of work done and that they went beyond the real needs, especially in Iraq's northern governorates, we nevertheless did not wish to delay the granting of any visa and confined ourselves to pointing out to the Office of the Coordinator and the Office of the Iraq Programme that such extravagance in the recruitment of international experts and technicians, and indeed even of carpenters and switchboard operators, was improper and was consuming resources under the memorandum of understanding without any justification, particularly when there were in Iraq experienced experts and technicians who could be employed by the Programme instead of foreign experts and technicians.

The record of achievement under the Programme, and especially in Iraq's three northern governorates, has shown that the assignment of hosts of international experts, technicians and craftsmen has not been reflected in any appreciable improvement in the Programme's performance.

Over the past three months, we have noted a pattern in which the number of foreign experts being sent to Iraq has increased. We have documented many cases where international personnel have been assigned not for the purpose of improving the operation of the Programme but to reward them or to resolve their financial difficulties and where they are relatives or friends of persons in charge of implementing the Programme.

We have also noted, in particular, that applications for entry visas in connection with the electricity programme and the mine-clearance programme in the three northern governorates have increased in a manner that defies all logic, and the Office of the Coordinator has applied for 140 visas for international experts to work in the electricity programme and 103 foreign experts to work in the mine-clearance programme.

I should like to call your attention to some details of the electricity programme in northern Iraq as an example of the misuse of Iraq's funds. We have on more than one occasion alerted the Office of the Coordinator to the fact that the number of visa requests is excessive and unwarranted, especially when the achievements of the Programme in this sector have been modest given the sums disbursed, that is to say 619 million dollars up to the end of phase VIII. In paragraph 113 of your aforesaid report, you state as follows:

> "In my previous report I stated that the electricity supply situation in the three northern governorates remained critical. The situation has not improved and, in fact, has been exacerbated ... "

In response to our inquiries concerning the numbers involved, the Office of the Coordinator stated that the recruitment of 140 international experts from more than 20 countries for the electricity sector in the three northern governorates would not cost the Programme any appreciable amount, that the function of the great majority of the experts and technicians would be to operate and maintain the three diesel generators that had been installed in Irbil, Dohuk and Sulaymaniyah, each with a 29-megawatt capacity, and that their costs had been included in the contract signed with a Danish company for the supply of the generators. We inquired of the Office of the Coordinator concerning the value of this contract and asked to be provided with a copy. The Office of the Coordinator replied that the value of the contract was in excess of 70 million dollars and that it would ask the Office of the Iraq Programme about the possibility of providing us with a copy of the contract.

On 13 March 2001 the Office of the Coordinator, by its note UNOHCIL/Prog/40, informed us that, following consultations with United Nations Headquarters and the Office of Legal Affairs, it would not be possible to provide us with a copy of the contract.

The above narrative confirms that the Office of the Iraq Programme is refusing to furnish Iraq with the contracts it has signed with foreign companies for the implementation of the Programme in the three northern governorates, despite the fact that paragraph 33 of the memorandum of understanding requires the United Nations Inter-Agency Humanitarian Programme to operate in the three northern governorates "on behalf of the Government of Iraq ... with due regard to the sovereignty and territorial integrity of Iraq", and despite the fact that paragraph 6 of annex I to the memorandum of understanding states that "the Programme will keep the Government of Iraq informed on the implementation of distribution" for which it

is responsible in the three northern governorates. The evidence presented also confirms that the Office of the Coordinator, despite Iraq's disapproval, for the reasons given in our letter dated 6 December 2000 addressed to you (S/2000/1166, annex), imported three diesel generators with a total capacity of 87 megawatts and at a cost of more than 70 million dollars. At current prices, the cost of this contract is excessively high, and we do not know how the customs experts in the Office of the Iraq Programme could have approved the contract or how they could have considered the cost reasonable. In this connection, we should like to inform you that the Iraqi Government imported an electricity generating plant under phase IV that cost 74 million dollars and had a capacity of 225 megawatts, that is to say three times the generating capacity of the generators imported by the United Nations for about the same price, and that under phase VI it imported an electricity generating plant with a capacity of 246 megawatts at a cost of 80 million dollars.

On the basis of the foregoing, we request you to take it under consideration:

1. To institute a review of the circumstances in which the contract with the Danish company that supplied the three generators was signed and an examination of that contract in terms of the adequacy of the generators and their cost. We refer in this connection to the fact that the assessment of the Iraqi technicians indicates that these generators cause serious environmental pollution; that they cannot be used for baseload purposes in the electricity system and lack the exchange capacity to transmit such loads; that they lack the capacity to transmit electric power over long distances; and that they have a high operating cost;

2. To instruct the Office of the Iraq Programme to provide the Iraqi Government with copies of all the contracts it has signed in the past and will sign in future for the implementation of the Programme in the three northern governorates on behalf of the Government of Iraq, including, on a priority basis, the contract for the supply of the three generators in question;

3. To give instructions for the Board of Auditors to conduct a comprehensive review of expenditures from the 13 per cent and 2.2 per cent accounts, and for Iraq to be provided with detailed periodic reports on the status of the 13 per cent, 2.2 per cent and 0.8 per cent accounts in accordance with the provisions of paragraph 14 of the memorandum of understanding.

We very much hope to receive a positive response from you to the legitimate requests Iraq is making in this context.

(*Signed*) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq

United Nations S/2001/325

Security Council

Distr.: General
4 April 2001

Original: English

Letter dated 4 April 2001 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council

I refer to the letter (S/2001/263) of Mr. Ali Khaleef Galayr of Somalia dated 21 March 2001 and addressed to the President of the Security Council. My Government finds the accusations levelled against Ethiopia outrageous and saddening.

The present note to the Security Council is intended solely to register for the record our total rejection of the portrayal of Ethiopia as a State bent on "destabilizing" Somalia. The contrary is true. This is exemplified by Ethiopia's positive actions during the past 10 years in helping Somalia. One of these actions, the hosting of thousands of Somali refugees, continues to this day. Currently, there are more than 250,000, bona fide refugees, with a similar figure also living with the host population.

This spirit of goodwill towards Somalia will continue, in cooperation with our partners in the Intergovernmental Authority on Development (IGAD). We will certainly not be deterred by the desperate statements coming from a group holed up in hotels in Mogadishu on a 2-square-kilometre radius with no authority anywhere else in Somalia and who are bent on raising the ghosts of hatred among our two peoples. They will fail dismally in this. We strongly advise them to concentrate on meaningful actions towards the reconciliation process within their country. Ethiopia should not be used as a scapegoat for their failures in that direction during the past seven months. Posturings at international gatherings and forums will not be a substitute for the failure on the internal front. What they have been "aggressively pursuing" is the attendance of international conferences and seeking millions to silence their opponents, and not "peaceful dialogue" with them or their main neighbour.

Finally, Mr. President, we hope that the Security Council's efforts will, as ever, be directed towards advising all concerned to work for genuine reconciliation in Somalia.

01-31960 (E) 040401

I would be grateful were you to have this letter circulated as a document of the Security Council.

(*Signed*) Abdulmejid **Hussein**
Ambassador
Permanent Representative

United Nations S/2001/326

Security Council

Distr.: General
4 April 2001

Original: English

Letter dated 4 April 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan addressed to the President of the Security Council

I have the honour to transmit herewith a report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan, adopted by the Committee under the no-objection procedure on 4 April 2001. The report is being submitted in accordance with paragraph 20 of Security Council resolution 1333 (2000) of 19 December 2000.

(*Signed*) Alfonso **Valdivieso**
Chairman
Security Council Committee established pursuant to
resolution 1267 (1999) concerning Afghanistan

01-32013 (E) 050401

Annex

Report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan

1. On 19 December 2000, the Security Council adopted resolution 1333 (2000), by which the Council decided to impose the following measures against the Afghan faction known as the Taliban, which also calls itself to Islamic Emirate of Afghanistan:

"*The Security Council*,

"...

"5. *Decides* that all States shall:

(a) Prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control as designated by the Committee established pursuant to resolution 1267 (1999), hereinafter known as the Committee, by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned;

(b) Prevent the direct or indirect sale, supply and transfer to the territory of Afghanistan under Taliban control, as designated by the Committee, by their nationals or from their territories, of technical advice, assistance, or training related to the military activities of the armed personnel under the control of the Taliban;

(c) Withdraw any of their officials, agents, advisers, and military personnel employed by contract or other arrangement present in Afghanistan to advise the Taliban on military or related security matters, and urge other nationals in this context to leave the country;

"...

"8. *Decides* that all States shall take further measures:

(a) To close immediately and completely all Taliban offices in their territories;

(b) To close immediately all offices of Ariana Afghan Airlines in their territories;

(c) To freeze without delay funds and other financial assets of Usama bin Laden and individuals and entities associated with him as designated by the Committee, including those in the Al-Qaida organization, and including funds derived or generated from property owned or controlled directly or indirectly by Usama bin Laden and individuals and entities associated with him, and to ensure that neither they nor any other funds or financial resources are made available, by their nationals or by any persons within their territory, directly or indirectly for the benefit of Usama bin Laden, his associates or any entities owned or controlled, directly or indirectly, by Usama bin Laden or individuals and entities associated with him including the Al-Qaida organization, and requests the Committee to maintain an updated list, based on

information provided by States and regional organizations, of the individuals and entities designated as being associated with Usama bin Laden, including those in the Al-Qaida organization;

"...

"10. *Decides* that all States shall prevent the sale, supply or transfer, by their nationals or from their territories, of the chemical acetic anhydride to any person in the territory of Afghanistan under Taliban control as designated by the Committee or to any person for the purpose of any activity carried on in, or operated from, the territory under Taliban control as designated by the Committee;

"11. *Decides also* that all States are required to deny any aircraft permission to take off from, land in or overfly their territories if that aircraft has taken off from, or is destined to land at, a place in the territory of Afghanistan designated by the Committee as being under Taliban control, unless the particular flight has been approved in advance by the Committee on the grounds of humanitarian need, including religious obligations such as the performance of the Hajj, or on the grounds that the flight promotes discussion of a peaceful resolution of the conflict in Afghanistan, or is likely to promote Taliban compliance with this resolution or with resolution 1267 (1999);

"..."

2. By paragraph 22 of resolution 1333 (2000), the aforementioned measures came into force on 19 January 2001.

3. In accordance with paragraph 20 of resolution 1333 (2000), all States are requested to report to the Committee within 30 days of the coming into force of the measures imposed by paragraphs 5, 8,10 and 11 above on the steps they have taken with a view to effectively implementing the resolution.

4. As at 4 April 2001, replies received from 46 States were issued as documents of the Committee, as indicated below:

1.	Hungary	15 January 2001	S/AC.37/2001/1
2.	Nauru	26 January 2001	S/AC.37/2001/2
3.	Sierra Leone	31 January 2001	S/AC.37/2001/3
4.	Turkmenistan	5 February 2001	S/AC.37/2001/4
5.	Tajikistan	5 February 2001	S/AC.37/2001/5
6.	Singapore	6 February 2001	S/AC.37/2001/6
7.	Ecuador	7 February 2001	S/AC.37/2001/7
8.	Norway	7 February 2001	S/AC.37/2001/8
9.	Cuba	22 January 2001	S/AC.37/2001/9
10.	Republic of Moldova	8 February 2001	S/AC.37/2001/10
11.	Pakistan	13 February 2001	S/AC.37/2001/11
12.	Israel	12 February 2001	S/AC.37/2001/12

13.	Belgium	12 February 2001	S/AC.37/2001/13
14.	Sudan	9 February 2001	S/AC.37/2001/14
15.	Slovakia	14 February 2001	S/AC.37/2001/15
16.	India	14 February 2001	S/AC.37/2001/16
17.	Kazakhstan	15 February 2001	S/AC.37/2001/17
18.	Sri Lanka	16 February 2001	S/AC.37/2001/18
19.	Slovenia	16 February 2001	S/AC.37/2001/19
20.	Czech Republic	16 February 2001	S/AC.37/2001/20
21.	Turkey	16 February 2001	S/AC.37/2001/21
22.	Thailand	20 February 2001	S/AC.37/2001/22
23.	Malta	20 February 2001	S/AC.37/2001/23
24.	Germany	20 February 2001	S/AC.37/2001/24
25.	Tunisia	22 February 2001	S/AC.37/2001/25
26.	Greece	21 February 2001	S/AC.37/2001/26
27.	Colombia	16 February 2001	S/AC.37/2001/27
28.	Denmark	19 February 2001	S/AC.37/2001/28
29.	Russian Federation	27 February 2001	S/AC.37/2001/29
		15 March 2001	S/AC.37/2001/29/Add.1
30.	Spain	1 March 2001	S/AC.37/2001/30
31.	Brazil	26 February 2001	S/AC.37/2001/31
32.	The former Yugoslav Republic of Macedonia	28 February 2001	S/AC.37/2001/32
33.	Croatia	1 March 2001	S/AC.37/2001/33
34.	Italy	5 March 2001	S/AC.37/2001/34
35.	United States of America	16 February 2001	S/AC.37/2001/35
36.	Finland	9 March 2001	S/AC.37/2001/36
37.	Republic of Korea	12 March 2001	S/AC.37/2001/37
38.	Mauritius	13 March 2001	S/AC.37/2001/38
39.	United Kingdom of Great Britain and Northern Ireland	12 March 2001	S/AC.37/2001/39
40.	Bahrain	15 March 2001	S/AC.37/2001/40
41.	Kyrgyzstan	22 March 2001	S/AC.37/2001/41
42.	Sweden	27 March 2001	S/AC.37/2001/42
43.	Luxembourg	20 March 2001	S/AC.37/2001/43

44.	France	3 April 2001	S/AC.37/2001/44
45.	Saudi Arabia	29 March 2001	S/AC.37/2001/45
46.	Belarus	3 April 2001	S/AC.37/2001/46

United Nations S/2001/327

Security Council

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4 April 2001

Original: English

Letter dated 4 April 2001 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council

In a letter addressed to you dated 29 March 2001 (S/2001/312), the Permanent Representative of Eritrea to the United Nations attached a press release from his Government entitled "Ethiopian mines responsible for incident with United Nations vehicles in Tsorona". The Eritrean document claimed that "mine experts have now confirmed that Ethiopia laid these mines". This was a crude attempt implying United Nations concurrence in blaming Ethiopia. The facts show otherwise. The United Nations Mission in Ethiopia and Eritrea (UNMEE) Mine Action Coordination Committee (MACC) spokesman in the Eritrean capital Asmara, Phil Lewis, said categorically that the statement by the Eritrean Commission for Coordination with UNMEE was "absolutely not endorsed by UNMEE-MACC". More important was what his UNMEE counterpart in Addis Ababa, Kim Brandt, said: "***... without all records and a full database***" on mine information from the two parties, "it is ***not possible to verify which party planted the mine***" (emphasis added). In their futile desire to "score" points against Ethiopia, the Eritrean leaders further wish to mislead the Security Council and the international community. They allege that "Ethiopia continues to reject appeals to provide minefield information" to UNMEE. The Council and UNMEE know that Ethiopia was the first to submit minefield information. This was done on 11 March 2001, nine days before Eritrea did. At the time, UNMEE-MACC described Ethiopia's action as "the first significant handover of landmine information since UNMEE arrived in the region"!

Ethiopia believes that providing full data by both parties is essential if one is to avoid the kind of incident which occurred. Acting on this will make places like Tsorona (inside Eritrea and previously heavily mined to avoid its capture by Ethiopia) safer for the displaced to return and United Nation peacekeepers.

In Ethiopia's view, the latest Eritrean accusation is nothing but an attempt to divert attention for their lack of ***not having signed the status-of-forces agreement***, their refusal to date to allow UNMEE ***to establish the most practicable direct high-altitude flight between Asmara and Addis Ababa***, and the ***completion of the rearrangement of their forces***, thus facilitating the establishment of the Temporary Security Zone. Ethiopia has already complied with all of these, as requested by the Security Council. It is time for Eritrea to stop dithering and begin fulfilling its

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obligations under the 12 December 2000 Algiers Agreement. No amount of diversionary acrobatics will work.

(*Signed*) Abdulmejid **Hussein**
Ambassador
Permanent Representative

United Nations S/2001/328

Security Council

Distr.: General
5 April 2001

Original: English

Letter dated 5 April 2001 from the President of the Security Council addressed to the Secretary-General

In accordance with the provisions of Security Council resolution 689 (1991) and in the light of your report of 28 March 2001 (S/2001/287), the members of the Security Council have reviewed the question of the termination or continuation of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) and its modalities of operation.

I have the honour to inform you that the members of the Security Council concur with your recommendation that UNIKOM be maintained. In accordance with resolution 689 (1991), they have decided to review the question once again by 6 October 2001.

(*Signed*) Jeremy **Greenstock**
President of the Security Council

01-32033 (E) 050401

United Nations S/2001/329

Security Council

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5 April 2001
English
Original: Arabic

Letter dated 3 April 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 3 April 2001 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. Appended to the Minister's letter is a table showing violations of Iraq's international boundaries committed by United States and British warplanes flying across the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 10 to 23 March 2001.

The Minister urges you to instruct UNIKOM to perform its duties in full and to report these violations to the Security Council through you, given that they constitute wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations, and he asks you to alert the Security Council to its responsibility to halt the aggression and hold the aggressors accountable under international law.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative

01-32086 (E) 060401 060401

Annex to the letter dated 3 April 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Further to our letter dated 27 March 2001 (S/2001/285, annex), I should like to inform you that United States and British warplanes committed 112 violations of Iraq's international boundaries by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 10 to 23 March 2001. On the basis of the table appended to this letter, the relevant Iraqi authorities have determined that the violations committed were as follows:

1. Armed and hostile aerial activity by the United States and the United Kingdom, violating our international boundaries by way of the demilitarized zone, comprised 112 sorties in the following governorates: Basrah, Maysan, Wasit and Dhi Qar.

2. Our technical systems identified the aircraft violating Iraq's airspace on an almost daily basis as American F-14s, F-15s, F-16s and F-18s and British Tornadoes.

3. All of the armed and hostile sorties that violated Iraq's airspace by way of the demilitarized zone received support from an AWACS aircraft operating inside Saudi Arabian airspace and an E-2C aircraft operating inside Kuwaiti airspace.

4. A total of 10 remotely piloted aircraft violated Iraq's airspace from Kuwait by way of the demilitarized zone between 10 and 23 March 2001.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

The violations being committed by United States and British military aircraft, in which 10 to 20 of them are used daily, are tantamount to an undeclared war. It is imperative that the United Nations should take the measures that are required in their regard under the Charter, so that the aggression may be halted and those who have committed the violations may be charged with full international responsibility for them, including liability for payment of compensation to Iraq.

The statements of UNIKOM to the effect that it is unable to monitor or identify these aircraft cannot be maintained in the light of the scientific and technological capabilities that are available or that UNIKOM is in a position to obtain and utilize in order to fulfil the requirements of its mandate by establishing the identity and country of the warplanes that are violating Iraq's sovereign airspace and thence taking deterrent measures against the aggressors.

I accordingly urge you once more to instruct UNIKOM to perform its duties in full and to report these violations to the Security Council through you, given that they constitute wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations, and I ask you to alert the Security Council to its responsibility to halt the aggression and hold the aggressors accountable under international law.

(*Signed*) Mohammed Said **Al-Sahaf**
Acting Minister for Foreign Affairs

Appendix

Hostile aerial activity violating Iraq's international boundaries from Kuwait, 10-23 March 2001

No.	*Date*	*From*	*Time*	*Type*	*Sorties*	*Altitude (metres)*	*Speed (km/h)*	*Areas overflown*
1	10-16 March	Kuwait	0800-1720	F-14, F-15, F-16, F-18	40 (including 6 drones)	7,000-11,000	240-780	Basrah, Nasiriyah, Jalibah, Shatrah, Artawi, Rifa`i
2	17-23 March	Kuwait	0055-1630	F-15, F-18	72 (including 4 drones)	9,000-12,000	180-780	Basrah, Qurnah, Jalibah, Shatrah, Artawi, Nasiriyah, Qal`at Salih, Kut, Rifa`i

Total sorties: 112

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Security Council

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5 April 2001
English
Original: Arabic

Letter dated 4 April 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the Secretary-General

On instructions from my Government and with reference to the letter dated 20 August 2000 from the Permanent Representative of Iraq to the United Nations addressed to you (S/2000/821) and to its annex, which concern the negotiations to be conducted by Kuwait and the Islamic Republic of Iran on the delimitation of the continental shelf, I have the honour to state as follows:

Kuwait and the Islamic Republic of Iran are both independent, fully sovereign States and, in accordance with the principles firmly established in international relations and international law for the regulation of matters relating to all aspects of bilateral relations and common interests in such a manner as to advance the worthy principles of the United Nations, they have the right to enter into negotiations together on the delimitation of the shared continental shelf.

Such negotiations are not necessarily required to take place on the basis of agreement among all the States that have rights over the continental shelf in the region.

That maritime areas of one State should be adjacent to the continental shelf of two other countries does not prevent those two countries from concluding a bilateral agreement.

Any agreement on the delimitation of maritime areas between two countries will take account of the points where the maritime boundaries of other, neighbouring States begin and end.

The negotiations that have taken place among a number of States in the region on the delimitation of the continental shelf in the light of which agreements have been concluded between them in this regard were also conducted on a bilateral basis.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Bader Mohammad E. **Al-Awdi**
Chargé d'affaires a.i.

01-32080 (E) 060401 060401

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Security Council

Distr.: General
30 March 2001

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Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict

I. Towards a culture of protection

1. The Security Council, by its resolution 1296 (2000) of 19 April 2000, requested me to submit, by 30 March 2001, this second report on the protection of civilians in armed conflict, with a view to requesting additional such reports in the future. In my first report on the protection of civilians in armed conflict (S/1999/957), submitted to the Security Council on 8 September 1999, I painted a stark picture of the realities faced by millions of civilians around the world in situations of armed conflict, people caught in the midst of war and in dire need of aid and protection. Consequently, I recommended a clear course of action for the Security Council to compel parties to a conflict to better protect civilian populations and to respect the rights guaranteed to civilians by international law.

2. Unfortunately, the realities of distressed populations have not changed, and the majority of the important recommendations in that first report have yet to be put into practice. Recruitment and use of child soldiers, the proliferation of small arms, the indiscriminate use of landmines, large-scale forced displacement and ethnic cleansing, the targeting of women and children, the denial of even the most basic human rights, and widespread impunity for atrocities are still all too familiar features of war. The growing number of threats to the lives of local and international staff members of international organizations and other aid groups has added one more shameful characteristic to the reality of today's conflicts.

3. The context is therefore clear: as internal armed conflicts proliferate, civilians have become the principal victims. It is now conventional to say that, in recent decades, the proportion of war victims who are civilians has leaped dramatically, to an estimated 75 per cent, and in some cases even more. I say "conventional" because the truth is that no one really knows. Relief agencies rightly devote their resources to helping the living rather than counting the dead. Whereas armies count their losses, there is no agency mandated to keep a tally of civilians killed. The victims of today's atrocious conflicts are not merely anonymous, but literally countless. To some extent, this can be explained by changes in the nature of conflict. The decline of inter-State warfare waged by regular armies has been matched by a rise in intra-State warfare waged by irregular forces. Furthermore, and particularly in conflicts with an element of ethnic or religious hatred, the affected civilians tend not to be the incidental victims of these new irregular forces; they are their principal object.

4. In September 2000, all the States Members of the Organization pledged, in the United Nations Millennium Declaration (General Assembly resolution 55/2), to expand and strengthen the protection of civilians in complex emergencies, in conformity with international humanitarian law. Yet just as Member States have too often failed to address the calamitous impact of modern warfare on civilians, so, too, has the United Nations often been unable to respond adequately to their need for protection and assistance. My hope now is to move beyond an analysis of our past failures and to identify ways in which the international system can be strengthened to help meet the growing needs of civilians in war. The report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809) has identified steps which the United Nations could take to improve its performance. In the

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present report, I wish to focus on additional steps which Member States must take to strengthen their own capacity to protect the civilian victims of war more effectively, and on initiatives that the Security Council and other organs of the United Nations can take to complement these efforts.

5. I believe that Member States, supported by the United Nations and other actors, must work towards creating a culture of protection. In such a culture, Governments would live up to their responsibilities, armed groups would respect the recognized rules of international humanitarian law, the private sector would be conscious of the impact of its engagement in crisis areas, and Member States and international organizations would display the necessary commitment to ensuring decisive and rapid action in the face of crisis. The establishment of this culture will depend on the willingness of Member States not only to adopt some of the measures detailed below, but also to deal with the reality of armed groups and other non-State actors in conflicts, and the role of civil society in moving from vulnerability to security and from war to peace.

II. Parameters of protection

6. "Protection" is a complex and multi-layered process, involving a diversity of entities and approaches. It depends on the circumstances and stages of a particular conflict. Many countries are caught in a grey zone between war and peace: armed conflict may erupt sporadically in parts of the country, and may tend to intensify or to subside. In such situations, it often is the diversity of entities providing protection and their mandates that helps to cover a wide range of needs. Relevant activities may include the delivery of humanitarian assistance; the monitoring and recording of violations of international humanitarian and human rights law, and reporting these violations to those responsible and other decision makers; institution-building, governance and development programmes; and, ultimately, the deployment of peacekeeping troops. In each case, these activities will have to be adapted to the specific requirements of each conflict situation, and be adapted to the needs, structure and sensitivities of the affected population.

7. The primary responsibility for the protection of civilians rests with Governments, as set out in the guiding principles on humanitarian assistance adopted by the General Assembly in its resolution 46/182 of 19 December 1991. At the same time, armed groups have a direct responsibility, according to Article 3 common to the four Geneva Conventions of 1949 and to customary international humanitarian law, to protect civilian populations in armed conflict. International instruments require not only Governments but also armed groups to behave responsibly in conflict situations, and to take measures to ensure the basic needs and protection of civilian populations. Where Governments do not have resources and capacities to do this unaided, it is incumbent on them to invoke the support of the international system. Protection efforts must be focused on the individual rather than the security interests of the State, whose primary function is precisely to ensure the security of its civilian population.

8. In focusing on the humanitarian aspects of protection, it should be stressed that protection cannot be a substitute for political processes. Protecting civilians is most effectively achieved by preventing violent conflict — through the "culture of prevention" called for by the Security Council in November 1999 (S/PRST/1999/34). Or it can be achieved by ending a conflict and building sustainable peace, as stressed by the Council in February 2001 (S/PRST/2001/5). Protection must be enhanced, but it is not a solution in its own right, and should not be seen as such.

III. Measures to enhance protection

A. Prosecution of violations of international criminal law

9. Internationally recognized standards of protection will be effectively upheld only when they are given the force of law, and when violations are regularly and reliably sanctioned. The establishment of the ad hoc tribunals for the former Yugoslavia and Rwanda, and the adoption of the Rome Statute to establish a permanent International Criminal Court are important steps in this direction. Safe havens for mass murderers and torturers are disappearing. These developments are complemented by significant advances in international criminal law through the jurisprudence of the two ad hoc tribunals and by the rapidly growing number of ratifications of the Rome Statute. This emerging paradigm of international criminal justice confronts

perpetrators of grave violations with the real possibility of prosecution for past, present and future crimes.

1. Denial of amnesty for serious crimes

10. The recent arrest, indictment and eventual sentencing of former or current heads of State or Government has allowed prosecutors to further penetrate the shield of immunity. Courts are increasingly willing to send the message that nobody is above the law. Let me therefore be clear: the granting of amnesties to those who committed serious violations of international humanitarian and criminal law is not acceptable. The experience of Sierra Leone has confirmed that such amnesties do not bring about lasting peace and reconciliation.

2. Impact of criminal justice

11. The fair prosecution and trial of individual suspects can help significantly to build confidence and facilitate reconciliation in post-conflict societies, by removing collective attributions of guilt. Well-publicized prosecutions can deter crimes in current and future conflicts. Deterrence and prevention of crime, however, need the full commitment of the international community to supporting the quest for justice and accountability by providing the necessary financial and operational means to judicial arrangements, whether established under the auspices of the United Nations or by national Governments. Establishing courts without secure and sustained funding, and without follow-up efforts to rebuild national criminal justice systems, can do a disservice to victims of large-scale violence and undermine their confidence in justice. The proposed court for Sierra Leone and the serious crimes panel in East Timor deserve particular attention in this respect.

3. Importance of national jurisdictions

12. Despite the important role that international prosecution plays in encouraging compliance with international law, consistent enforcement depends primarily on the commitment and cooperation of national jurisdictions. The prosecution of individuals is, first and foremost, a responsibility of the State concerned. International justice can only complement those efforts when States are genuinely unable or unwilling to investigate and prosecute. In particular, a growing number of States have started to apply the principle of universal jurisdiction. The most publicized examples were the arrest by the United Kingdom of Great Britain and Northern Ireland of the former President of Chile, Augusto Pinochet, on charges of torture, at the request of Spanish authorities, and the arrest of the former President of Chad, Hissein Habré, by Senegal on similar charges. The application of this principle can be an essential stimulus for justice and reconciliation in the country of origin of the perpetrator. Its successful exercise requires closer cooperation between States, however, notably on issues of evidence and extradition. States therefore need to adapt their national legislation to the recognized standards of international humanitarian and criminal law and to ensure that they have a fair and credible judiciary.

4. Truth and reconciliation efforts

13. The experiences of Rwanda and other places have shown, however, that neither international nor national judicial systems command the necessary resources to prosecute the suspected perpetrators of conflict-related crimes, who may number in the thousands. Truth and reconciliation efforts, considered exceptional only a few years ago, have become an accepted method of overcoming a violent past. Truth commissions have recently been established in Nigeria, Panama and Sierra Leone and planned in East Timor; their creation is being discussed in several other post-conflict contexts. Truth and reconciliation, however, should not become a substitute for individual prosecution. The objective of such efforts should be to combine the search for truth, accounting for past abuses, promotion of national reconciliation and the bolstering of an emerging democratic order. The prescription for overcoming impunity must be adapted to the specific circumstances of the conflict and the area involved.

Recommendations

1. I urge the Security Council and the General Assembly to provide, from the outset, reliable, sufficient and sustained funding for international efforts, whether existing or future international tribunals, arrangements established in the context of United Nations peace operations, or initiatives undertaken in concert with individual Member States, to bring to justice perpetrators of grave violations of international humanitarian and human rights law.

2. I recommend that the Security Council consider the establishment of arrangements

addressing impunity and, as appropriate, for truth and reconciliation, during the crafting of peacekeeping mandates, in particular where this response has been triggered by widespread and systematic violations of international humanitarian and human rights law.

3. I encourage Member States to introduce or strengthen domestic legislation and arrangements providing for the investigation, prosecution and trial of those responsible for systematic and widespread violations of international criminal law. To this end, I endorse efforts aimed at supporting Member States in building capable and credible judicial institutions that are equipped to provide fair proceedings.

B. Access to vulnerable populations

14. In many conflicts, safe and unhindered access to vulnerable civilian populations is granted only sporadically, and is often subject to conditions, delayed, or even bluntly denied. The consequences for those populations are often devastating: entire communities are deprived of even basic assistance and protection. The agony of civilians in such isolated circumstances is further exacerbated as, in modern warfare, particularly internal conflicts, civilians are often targeted as part of a political strategy. The mutilations of civilians in Sierra Leone and the deliberate starvation of the civilian population in Somalia are only two examples. In these situations, access is the prerequisite for any form of protection of individuals and communities affected by war.

15. Because of the internal nature of most conflicts, United Nations agencies, the International Committee of the Red Cross and non-governmental organizations have increasingly had to negotiate to ensure access to those in need. Suffering populations cannot afford to wait for the outcome of an often-prolonged peace process. Access negotiations during a conflict must be understood as a humanitarian necessity. Given the highly complex context in which such negotiations have to be conducted, involving a diversity of warring parties and international actors, the need for common standards, complementary negotiation strategies and skilled negotiators is evident. In practice, the negotiator's ability often determines the scope of humanitarian assistance and protection provided to distressed populations. Common ground rules would help to make access negotiations more predictable and effective, and reduce the risk of mistakes or of agencies being played off against each other by warring parties.

1. Obtaining meaningful access

16. As a general rule, access negotiations should always have a clear objective, namely, humanitarian space providing unimpeded, timely, safe and sustained access to people in need. Access must be obtained, managed and maintained throughout a conflict by keeping the parties continuously engaged. The inability of aid agencies operating in Sierra Leone to make even initial contacts with the Revolutionary United Front throughout 1998 illustrates the difficulty of engaging rebel groups in a structured dialogue. Establishing a regular rapport and having freedom of movement in the conflict area can contribute to normalization and build confidence among war-affected populations. The sustained presence of humanitarian agencies can provide some measure of security to populations who would otherwise be wholly at the mercy of the parties or compelled to leave their homes. The terms of engagement of the aid agencies in a particular conflict must therefore clearly set out conditions for humanitarian operations, allowing for assessments that are based on actual needs, regular delivery of assistance and programme monitoring.

2. Complexities on the ground

17. Despite the Security Council's repeated reaffirmation of the importance of safe and unimpeded access (see, for example, resolutions 706 (1991) on Iraq and 1333 (2000) on Afghanistan), gaining safe and regular access is a daily struggle marked by a plethora of practical concerns, including demands of conditionality — warring parties requesting their share of aid before granting access to vulnerable populations; the deliberate starving of civilians to attract food aid in order to feed combatants; or the delivery of dual-purpose items that could also serve the war effort. Under international law, displaced persons and other victims of conflict are entitled to international protection and assistance where this is not available from national authorities. However, negotiations on the ground often revolve around the practical implications: for example, the failure of warring parties to admit the delivery of certain food items because they are perceived as jeopardizing the objectives of their war effort.

18. The approach to these challenges often defines the credibility and effectiveness of the humanitarian effort. Strengthening access negotiations thus requires the development of common policies and common criteria for engagement among aid agencies. These criteria should address clearance procedures, monitoring of delivery to minimize diffusion of goods to combatants, and efficient coordination.

3. Engaging the parties to a conflict

19. In a multi-faction conflict, such as that in the Democratic Republic of the Congo, experience has shown that, in order to gain meaningful and regular access to vulnerable populations within different combat zones, where front lines are shifting from day to day, the consent of many parties has to be obtained at the local, regional, national and international levels. They may include a range of armed groups and other non-State actors with often diverse or obscure political, economic and strategic goals. Sometimes these actors will be operating across international borders, yet deliberately standing outside the established international normative framework. In most intra-State conflicts, armed groups exercise de facto control of parts of a country and the civilian population living there. Negotiating and obtaining access to those populations therefore requires the engagement of those groups.

20. Whereas Governments are sometimes concerned that such engagements might legitimize armed groups, these concerns must be balanced against the urgent need for humanitarian action. It is the obligation to preserve the physical integrity of each and every civilian within their jurisdiction, regardless of gender, ethnicity, religion or political conviction, that should guide Governments in exercising their sovereign responsibility. Where Governments are prevented from reaching civilians because they are under the control of armed groups, they must allow impartial actors to carry out their humanitarian task. Such a loss of control does not release Governments from their responsibility for all civilians within their jurisdiction.

21. Engaging armed groups in a constructive dialogue is also of vital importance for guaranteeing the security of humanitarian operations in a conflict area. Often, combatants perceive the provision of humanitarian assistance and protection to vulnerable populations as being not a neutral but rather a politically motivated act. In intra-State conflicts, where the political and strategic objectives of parties often include the expulsion or extermination of an ethnic, religious or political group, even the accommodation of the most basic needs of the populations may be perceived as direct interference with the war effort. As a result, humanitarian agencies, although pursuing neutral objectives enshrined in international law, are frequently perceived as partisan, and therefore become targets themselves. The drastically accelerated toll of casualties among United Nations civilian personnel, local and international, serving in conflict areas over the past two and a half years is a sad testament to this development. Between 1 January 1992 and 31 August 1998, 153 staff members lost their lives and 43 were taken hostage or kidnapped (see S/1998/883); since August 1998, the numbers have risen to 198 and 240, respectively (as of 20 March 2001).

4. Internally displaced persons

22. Meaningful access is particularly important when reaching out to the estimated 20 to 25 million people who are displaced within the borders of their country. The plight of this exceptionally vulnerable group has gained urgency in the 1990s as their number has dramatically increased in the wake of the numerous internal armed conflicts of that decade. Forced to leave their homes, they regularly suffer from severe deprivation, lack of shelter, insecurity and discrimination. Their protection is, first and foremost, a responsibility of the relevant national authorities.

23. In many cases, however, national authorities fail to provide the necessary protection and assistance to such people or to provide safe and meaningful access for international organizations. As a result, and because there is no established system of international protection and assistance for internally displaced persons, the response to their needs has often been inconsistent and ineffective.

24. In this respect, the Guiding Principles on Internal Displacement, developed by my Representative on Internally Displaced Persons, have come more and more to be regarded as a tool for addressing the basic needs of such people. For example, in Armenia, Azerbaijan and Georgia efforts are under way to review national legislation in terms of the Guiding Principles. In other countries, such as Angola and Colombia, Governments have integrated the Guiding Principles into national policy and legislation. In addition, the Inter-Agency Standing Committee has established an

Inter-Agency Network, comprising senior focal points in all concerned organizations, to carry out reviews of selected countries with internally displaced populations, and to make proposals for an improved international response to their basic needs. A United Nations Special Coordinator on Internal Displacement has been nominated by the Emergency Relief Coordinator to head this review process.

5. Coordinated approach

25. Developing a coordinated approach to access negotiations can therefore be a matter of life and death, both for vulnerable populations and for humanitarian workers. Often, the large number of domestic and international aid agencies in a conflict area poses a challenge in itself. Driven by differing mandates and interests, international agencies often negotiate access independently, thereby diminishing the effectiveness of their own and other agencies' response. Duplication of effort, and the manipulative behaviour of warring parties, can jeopardize fragile access agreements. It is therefore essential to develop more coordinated and creative approaches to access negotiations, for example, by pooling agency interests consistent with their mandates, and agreeing on mutually complementary sectoral negotiations. A coordinated approach must give weight to strategic planning and adequate preparation even in a crisis. The immunization campaign led by the World Health Organization and the United Nations Children's Fund in the Democratic Republic of the Congo in 2000 is an example of a successfully coordinated effort.

26. Clarity of objectives and a sound understanding of the local context and the root causes of conflict should be indispensable prerequisites for any access negotiations. I have therefore requested the Inter-Agency Standing Committee to develop a manual for access negotiations and strategies, including benchmarks for the engagement and disengagement of aid agencies, demands of conditionality, clearance procedures, needs assessments, and other principles outlined in the present report. The manual should guide negotiators in being consistent, transparent, accountable and credible during negotiations, and in seeking to obtain safe, sustained, timely and unimpeded access.

27. I have, further, asked the Emergency Relief Coordinator to develop, in cooperation with the Inter-Agency Standing Committee, models for better coordination of access negotiations on the ground. Working towards complementary negotiating strategies can help to prevent warring parties from playing aid agencies off against each other, as has happened in a number of recent conflicts.

Recommendations

4. Recalling the Security Council's recognition, in its resolution 1265 (1999), of the importance of gaining safe and unimpeded access of humanitarian personnel to civilian populations in need, I urge the Council to actively engage the parties to each conflict in a dialogue aimed at sustaining safe access for humanitarian operations, and to demonstrate its willingness to act where such access is denied.

5. I encourage the Security Council to conduct more frequent fact-finding missions to conflict areas with a view to identifying the specific requirements for humanitarian assistance, and in particular obtaining safe and meaningful access to vulnerable populations.

C. Separation of civilians and armed elements

28. In my report of 1998 on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871-S/1998/318), I recognized that the safety of refugees had increasingly become a matter of international concern, as had the security of States hosting large refugee populations or having such populations near their borders. This assessment has not changed. On the contrary, massive movements of displaced populations across international borders, most frequently prompted by civil wars in the region, have altered delicate ethnic balances in neighbouring States and thereby destabilized the recipient societies. Furthermore, there is a grave risk that the movement of people — sometimes in their hundreds of thousands — alongside armed elements will undermine the security of entire subregions or regions, and thereby internationalize an initially local conflict.

29. The examples of Zambia, the Republic of the Congo and West Timor (Indonesia) all bear ample witness to this danger. The escalation of fighting in the Parrot's Beak area, located on the borders of Guinea,

Liberia and Sierra Leone, is the most recent case in point. This small Guinean enclave has become a haven for an estimated 180,000 refugees from Liberia and Sierra Leone. The spillover of fighting between armed elements from Liberia and Sierra Leone into Guinea has given these already displaced persons cause to flee again, creating one of the worst refugee crises in the world. In addition, 70,000 Guinean citizens are being placed at severe risk. It is therefore a matter of utmost urgency to preserve, at the earliest stage possible, the civilian character of camps and settlements for displaced persons — both refugees and internally displaced — by separating civilians from armed elements that move alongside them. Such separation can prevent further aggravation of conflict, and ensure that persons fleeing persecution or war get the protection and assistance they require.

1. Impact of the mixing of displaced populations and armed elements

30. Failure to separate armed elements from civilians has led to devastating situations in and around camps and settlements. As the example of West Timor (Indonesia) shows, not separating combatants from civilians allows armed groups to take control of a camp and its population, politicizing their situation and gradually establishing a military culture within the camp. The impact on the safety and security of both the refugees and the neighbouring local population is severe. Entire camp populations can be held hostage by militias that operate freely in the camps, spread terror, press-gang civilians, including children, into serving their forces, sexually assault and exploit women, and deliberately prevent displaced people from returning home. In addition, humanitarian aid and supplies are often diverted to these armed elements, depriving the intended civilian beneficiaries. Finally, blurred lines between the civilian and military character of camps expose civilians inside to the risk of attack by opposing forces, where camps are perceived to serve as launching pads for renewed fighting.

2. Constraints of response

31. And yet, for practical and political reasons, the response to this phenomenon has been inadequate. Host countries, which have the primary responsibility for ensuring the security of refugees on their territory, feel increasingly overburdened by the logistical, and material challenge of accommodating large influxes of population. They have to preserve the civilian and humanitarian character of settlements for displaced populations, identify distinct camp locations, and separate combatants from civilians, including through disarmament, demobilization and internment measures. In fact, in order to avoid such strain, and in fear of being drawn into the conflict, potential host countries increasingly deny asylum by closing their borders, thereby further exacerbating the situation of displaced civilians within the conflict area. While recognizing the genuine interest of host States in preserving their neutrality in the conflict, we must be clear that it is the responsibility of States to grant asylum to distressed and persecuted populations and to ensure their protection and the provision of relief and assistance to them.

32. Humanitarian agencies, often the first and only presence on the ground in these situations, cannot identify, intern, disarm and demobilize armed elements present in refugee camps. They have neither the mandate nor the means to do so. Already, the identification of armed elements leads to enormous problems. Legally, international humanitarian law does not define fighters in internal conflicts, because Member States are reluctant to confer a formal status on those whom they consider insurgents or rebels. Practically, militia and armed elements, often attempting to hide among fleeing civilian populations, do not necessarily wear military uniforms or otherwise identify themselves. Moreover, internal armed conflicts go through different phases of ceasefires or combat pauses and renewed fighting, and consequent cycles of demobilization and remobilization. The existence of part-time combatants — farmer by day, fighter by night — and the provision by civilians of basic help and shelter to combatants further obscure the issue. As a result, humanitarian operations are increasingly threatened by the lack of security in refugee camps. The murders of aid workers in West Timor (Indonesia) and Guinea are distressing illustrations. As a result, operations have had to withdraw from camps, and often an entire area, further aggravating the distress of the civilian camp population.

33. Member States are nevertheless still reluctant to support the work of humanitarian agencies in these circumstances, because of the perceived security risk to their military personnel and the risk of further exacerbating the conflict by direct confrontations with armed elements. Ensuring security in camps requires

the involvement of police and military forces, not least in disarming and demobilizing militias and transferring them to different sites.

3. Development of a toolkit

34. The potential for large population flows, mixed with armed elements, to destabilize entire regions and, eventually, to ignite an international conflict has been sadly demonstrated by events in West Africa and the Great Lakes region. I therefore believe that it is within the purview of the Security Council to deter threats to international peace and security deriving from such population movements by supporting host States in taking appropriate and timely measures to separate civilians and armed elements. In my previous report on the protection of civilians, I recommended a set of tools aimed at improving the safety of refugee populations, including the deployment of regional or international military forces. Some Member States have started to develop concepts and practical methods for putting those recommendations into practice, including support and training for national police forces through the involvement of international police. Moreover, the need to preserve the civilian character of asylum features prominently on the agenda of the Global Consultations on International Protection, sponsored by the United Nations High Commissioner for Refugees.

35. The seriousness and urgency of the matter dictate that we move quickly to advance the practical implementation of those recommendations, to test concepts and to add new measures to the toolkit. The agreement between the Department of Peacekeeping Operations of the Secretariat and the Office of the United Nations High Commissioner for Refugees, of June 2000, ensuring close cooperation on all aspects of this complex matter, is a first step in this direction. Both bodies have agreed, as appropriate, to deploy, with the consent of the host State, multidisciplinary assessment teams to an emerging crisis area in order to clarify the situation on the ground, evaluate security threats for refugee populations, and consider appropriate practical responses. Where feasible, these findings would be incorporated into a comprehensive plan with recommendations for further action, including action by the Security Council. Such action could include logistical and material support for early measures by the host State to disarm combatants at the point of entry into the country. Once separated and disarmed, fighters could be transferred to, and if necessary interned at, a safe location away from the border.

36. In addition, Member States should support the efforts of host States by providing bilateral assistance to their law and order authorities in establishing adequate security arrangements in camps, so as to deter infiltration by armed elements. As a first step, assistance in locating refugee camps and settlements at a significant distance from the border would help to prevent militarization. Assistance could also include training and capacity-building efforts, equipment and logistics, as well as the deployment of national police contingents for patrolling and monitoring in camps. Further, relevant experiences and practices in refugee environments should be included in police training curricula.

37. Finally, as I indicated in my statement to the Security Council on the peace process in the Democratic Republic of the Congo, on 21 February 2001, the movement of large populations, and the failure to separate armed elements from those populations, has potentially negative effects on neighbouring countries not involved in the conflict. Where such problems threaten to affect a region as a whole, a wider regional approach may be required from the outset of any international involvement. This may entail the establishment of a forum for dialogue among all the affected countries of the region, non-governmental organizations, United Nations agencies, donors and others. Their aims may include solving the root causes of displacement, restoring peace, promoting the integration of displaced persons in host countries, seeking resettlement in third countries, or bringing all of the displaced back to their homeland. With the end of the cold war and its rigid division of the world, it is time to make better use of regional approaches. The International Conference on Central American Refugees, held in May 1989, which helped to bring hundreds of thousands of refugees home to countries where peace had been restored, is an example of the progress that such approaches can produce. Pursuant to the Security Council's invitation in paragraph 14 of resolution 1296 (2000), I will continue to bring to the attention of the Council situations that may require a regional approach as displaced populations and other civilians are put at risk by the infiltration of armed elements, in particular where this may constitute a threat to international peace and security.

Recommendation

6. I encourage the Security Council to further develop the concept of regional approaches to regional and subregional crises, in particular when formulating mandates.

7. I further encourage the Security Council to support the development of clear criteria and procedures for the identification and separation of armed elements in situations of massive population displacement.

D. Media and information in conflict situations

38. The misuse of information can have deadly consequences in armed conflicts, just as information correctly employed can be life-saving. The "hate media" that were used to incite genocide in Rwanda are an extreme example of the way information can be manipulated to foment conflict and incite mass violence. Hate speech, misinformation and hostile propaganda continue to be used as blunt instruments against civilians, triggering ethnic violence and forcing displacement. Preventing such activities and ensuring that accurate information is disseminated, is thus an essential part of the work of protecting civilians in armed conflict. Impartial information on conflicts, zones of combat, the location of minefields and the availability of humanitarian assistance, can be as vital a requirement for distressed populations caught in areas of violent upheaval as shelter, food, water and medical services.

1. Countering hate media used to incite violence

39. If the first casualty of war is the truth, the next victims are those who are unable to draw attention to their need for protection. They are all too often rendered speechless and faceless by war, reduced to crude statistics in the news. Giving these victims a voice can be vital for mobilizing the support necessary to protect human life. Informed public opinion can act as a brake on human rights abuses, by countering the culture of impunity and urging respect for international law. Yet in the Great Lakes region of Africa, "hate" radio continues to spur violence and atrocities against civilians on a large scale. The international community has an obligation to counteract such misuse of information and the media collectively and creatively. While the prosecution by the International Criminal Tribunal for Rwanda of the principals involved in the promotion of genocide by Radio-Télévision Mille Collines is a significant step, preventing such incitement in the future remains an urgent task.

40. The best antidote to hate speech and incitement to violence is the development of free and independent media serving the needs of all parts of society. A range of activities should be undertaken by the international community to support such development: countering misinformation, providing essential information; support for accurate local news coverage; assistance in creating programmes aimed at promoting inter-ethnic understanding and tolerance; technical assistance to improve local broadcast capacity; training for local journalists in accurate reporting; and media monitoring mechanisms. In addition, the distribution of radio receivers and broadcasting equipment is often a vital and practical necessity.

41. Combating hostile propaganda, however, may also require a more immediate and intense effort by the international community, based on a coordinated approach involving numerous actors. The number of actors, both non-governmental and intergovernmental, operating programmes aimed at preventing violence and preparing for national reconciliation has grown in recent years — initiatives in Angola, Bosnia and Herzegovina, Burundi, Liberia, Sierra Leone and South Africa are examples. These initiatives, however, often remain inconsistent and essentially ad hoc. Consequently, costly operations such as that in Bosnia and Herzegovina have yielded only mixed results. A more coordinated response could be fostered by establishing media monitoring mechanisms within peace operations and, as appropriate, other agency operations. Such mechanisms could ensure regular monitoring, reporting and documenting of misuse of information, and strengthen independent local media capacities. They also could serve informed decision-making, contribute to legal accountability and, as appropriate, recommend specific action to be taken by relevant actors, including the Security Council. They should reach out to relevant actors on the ground, including international experts, donors and local media professionals.

2. Use of media and information in support of humanitarian operations

42. In the global information age, giving victims a voice is essential for mobilizing the support necessary

to preserve and improve the quality of human life. While recognizing that at times massive media campaigns can distort policy priorities, reliable media accounts and adequate information management are an essential basis for decisions by Governments, donors, international organizations and non-governmental organizations.

43. The awareness of even distant events allows informed assessments and helps, in particular, humanitarian agencies to shape an appropriate response before going into a conflict area. Concrete and verified information about massive displacements of people, security conditions, and violations of international humanitarian and human rights law can be vital for distressed populations and international aid workers alike. Where communications are disrupted, using the media to inform distressed populations about the activities of relief agencies, and about the location of shelter, food, water and medical services, can be critical for alleviating human suffering. The Afghan Education Projects Unit of the BBC World Service, which covers issues such as landmine awareness, hygiene, sanitation, reducing violence against women and agricultural productivity, is one commendable example.

44. As emphasized in the report of the Panel on United Nations Peace Operations, the new information technologies — the Internet, in particular — play an increasingly important role in reaching and supporting local counterparts. We must continue to invest in this area and explore partnerships. The United Nations-operated Integrated Regional Information Network (IRIN), in conjunction with ReliefWeb, has brought great benefits to United Nations and other operations by providing accurate information from and to crisis areas. I recommend further strengthening such valuable regional information initiatives.

3. Protection of journalists

45. Many initiatives rely on the courage and commitment of journalists in conflict areas. Their protection from harassment, intimidation and threats must therefore be of concern to all. It is estimated that 449 journalists have been killed worldwide since 1990. In many cases, they were the victims of deliberate efforts by parties in conflict to escape adverse consequences of their violent attacks on civilians by preventing accurate reporting of their activities and, consequently, informed decision-making. In this respect, initiatives like that in Colombia establishing special protection programmes for journalists as part of the Prosecutor General's Office are important. The establishment of hotlines for threatened journalists in conflict areas, as was done in Bosnia and Herzegovina, could further help to reduce their risks.

Recommendation

8. I recommend that the Security Council make provision for the regular integration in mission mandates of media monitoring mechanisms that would ensure the effective monitoring, reporting and documenting of the incidence and origins of "hate media". Such mechanisms would involve relevant information stakeholders from within the United Nations and other relevant international organizations, expert non-governmental organizations, and representatives of independent local media.

IV. Entities providing protection

46. Recent experiences in dealing with such problems as described above in conflicts in West Africa, the Great Lakes region, East Timor and elsewhere have shown that the challenge of protecting civilian populations can only be met by reaching across traditional lines and creating synergies among many actors. While traditional responsibilities remain unchanged, the number of actors involved in rendering assistance and protection has significantly expanded: new actors have entered the stage and previously overlooked actors have gained greater importance. Although often profoundly differing in their resources, mandates, philosophies and interests, they can enhance our capacity to respond to violent conflict by providing additional resources, new approaches and comparative advantages. Faced with the increasingly opaque web of local and global politics, economic interests and criminal activity that characterizes many of today's conflicts, we must make the best use of organizations' limited resources by engaging all relevant actors in our work to improve the protection of civilians.

A. Entities bearing primary responsibility

1. Governments

47. International efforts to protect civilians can only complement the efforts of Governments. I therefore

extend to a wider audience the call made to the parties in the Democratic Republic of the Congo: the United Nations and its Member States, as well as other relevant agencies, can assist only where those most responsible are themselves reliably committed. In particular, every Government must show the necessary commitment to fulfilling its international obligations to protect civilians. This entails the initiation, organization, coordination and implementation of humanitarian assistance within its territory. Where a Government is prevented from protecting its civilians, for lack of either resources or de facto control over part of its territory, it may need to seek the support of the international system, which has been established for precisely this purpose. Regrettably, in times of conflict, many Governments are unwilling to live up to this responsibility; in fact, they often constitute the major impediment to any meaningful humanitarian assistance and protection. This interface between national responsibility and international support continues to pose a major challenge to the international community.

2. Armed groups

48. The recent prevalence of civil wars has drawn increasing attention to the potential role of armed groups that are parties to the conflict in protecting civilian populations. In most intra-State conflicts armed groups have gained control over part of a country's territory and the population living there. Again and again, however, we see them misuse their power by attacking defenceless civilians, in blatant disregard of international humanitarian law. I would therefore like to recall the prohibition against targeting civilians and conducting indiscriminate attacks on civilians, enshrined in customary international humanitarian law, which is binding not only on States and their Governments but equally and directly so on armed groups that are parties to the conflict, as stated in article 3 common to the Geneva Conventions of 1949. The practice of the two ad hoc tribunals and the statute of the International Criminal Court have underlined the principle of direct responsibility of armed groups for violations of international humanitarian law.

49. Experience has shown, however, that many armed groups deliberately operate outside the recognized normative and ethical framework in furtherance of their objectives. In order to promote respect for international humanitarian and human rights law in these situations and to facilitate the necessary provision of humanitarian assistance and protection to vulnerable populations, it is indispensable to engage these groups in a structured dialogue. In this respect, I welcome the growing tendency of the Security Council to address all parties to armed conflicts (see resolution 1261 (1999)). It is important that aid agencies reaffirm the fundamental principles of international humanitarian and human rights law in their codes of conduct and in any agreements they conclude with actors on the ground. Contacts with armed groups should be neutral and should not affect their legitimacy or the legitimacy of their claims.

50. In this respect, I intend to ask the Inter-Agency Standing Committee to develop a manual of best practices for engagement with armed groups. The manual should provide a clearer and common understanding of the structure and mode of operation of those groups, and their specific demands and constraints, and give guidance on how to promote a better understanding of the principles and operational requirements of humanitarian activities in such circumstances.

Recommendations

9. In its resolutions the Security Council should emphasize the direct responsibility of armed groups under international humanitarian law. Given the nature of contemporary armed conflict, protecting civilians requires the engagement of armed groups in a dialogue aimed at facilitating the provision of humanitarian assistance and protection.

10. Many armed groups have neither developed a military doctrine nor otherwise incorporated the recognized principles of international humanitarian law in their mode of operation. I therefore urge Member States and donors to support efforts to disseminate information on international humanitarian and human rights law to armed groups and initiatives to enhance their practical understanding of the implications of those rules.

B. Complementarity of other entities

51. While the primary responsibility for the protection of civilians rests with Governments, in places where the Government is unable or unwilling to

fulfil its obligations the international community is coming to accept its own responsibilities. The United Nations, including in particular the Security Council, needs to strengthen its role in this regard by more actively engaging a range of relevant actors. Effective coordination, better flow of information, and the building of new partnerships will be crucial to the future success of the international response to conflict. It will also be important to involve domestic partners, so that any international response to a crisis begins with a nuanced understanding of the local context.

52. In recent years, the Security Council has shown growing sensitivity to protection issues. Resolutions 1261 (1999), 1265 (1999), 1296 (2000), 1314 (2000) and 1325 (2000) all represent positive steps. The inclusion of provisions for mine action in mandates is a further sign of progress. Yet the capacity of the Council to address protection issues could be enhanced in a number of ways, including through better informed decision-making, and through the drafting of resolutions and mandates that more fully reflect the needs of civilians. To help bring this about, briefings on the humanitarian implications of proposed resolutions would be useful, as would the holding of debates on issues which embrace both peace and security and humanitarian concerns. Further as the experience of the Council's recent visits to the Democratic Republic of the Congo, Sierra Leone or East Timor shows, field missions can be useful as fact-finding tools, exercises in advocacy and instruments of persuasion. Such missions might usefully be dispatched to other crisis zones in which the international response has been poorly informed or poorly supported. The Council would also benefit from being regularly informed by actors outside the United Nations system.

Recommendation

11. I recommend that the Security Council develop a regular exchange with the General Assembly and other organs of the United Nations on issues pertaining to the protection of civilians in armed conflict. I suggest that the President of the General Assembly use the monthly meeting with the President of the Security Council to alert the Council to situations in which action might be required.

1. Civil society

(a) Non-governmental organizations

53. Recent years have seen a considerable growth in the number and influence of national and transnational non-governmental organizations. Thanks to the global reach of the media and the possibilities of information technology, above all the Internet, non-governmental organizations are now better placed to form coalitions, organize and mobilize cohesive support on a global scale. In particular, non-governmental organizations have proved that they can make a significant impact on public policy and international law. In many conflicts non-governmental organizations are among the first to bear witness to violations of international humanitarian and human rights law, to conduct rigorous assessments of the humanitarian situation on the ground, and to solicit a coherent international response. By doing so, they often succeed in raising public awareness of a conflict, and thereby make political leaders act decisively in the face of crisis.

54. On the ground, non-governmental organizations are the daily and indispensable partners of the United Nations in providing humanitarian relief and assistance to vulnerable people. Their presence among the local population often imparts a measure of protection, not least in areas where minorities are living. Just like United Nations personnel, however, their national and international staff have more and more become the target of attack. The Inter-Agency Standing Committee has therefore formed a working group to strengthen cooperation on issues of staff security between the United Nations and non-governmental organizations at the field level. Finally, non-governmental organizations play an important and active role in negotiating humanitarian corridors and access to distressed populations, and, in some cases, in bringing warring parties to the negotiation table.

55. It is essential that Member States, the United Nations and other international organizations and non-governmental organizations, better understand each other's comparative advantages as a first step towards working more effectively together. Non-governmental organizations already work in close concert with the United Nations on the ground and through the Inter-Agency Standing Committee. I would like to review and further strengthen the work of the Inter-Agency Standing Committee, with a view to identifying ways in which the work of the United Nations and the work

of the non-governmental organizations may become more complementary in the near future. Presenting the views of an emerging civil society on issues of global concern, non-governmental organizations should be given a more regular forum to inform the decision-making debate and to advocate policies.

56. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, of 1997, and the Rome Statute establishing an International Criminal Court a year later are examples of the power of international civil society to work with Governments to achieve a legislative goal which can help to protect civilians in armed conflict.

(b) Domestic civil society

57. Domestic civil society represents the basic source of protection, especially when all other layers of protection fail. Civil society in this context refers not only to local non-governmental organizations and human rights groups, but also to religious congregations, charities, universities, trade unions, legal associations, independent activists and human rights defenders, families, clans and more. We must continue to reach out and build partnerships with these actors, and employ their knowledge of the local context, their skill at operating in conflict zones, and their sensitivity to the needs of local populations and to local cultural norms. The funding and training of these actors is therefore an important investment. In particular, partnerships between international and domestic civil society must be strengthened in negotiating access, monitoring abuse, especially where international monitoring is not possible, and facilitating dialogue with political actors on the ground. Finally, domestic civil society actors are often best equipped to promote awareness of and respect for international law within the conflict zone.

58. International actors must make sure that displaced communities are given a say in decisions that affect them. Displaced communities are not passive. They create their own strategies for addressing their needs by exchanging limited resources, services, information and shelter. Their involvement in identifying needs, in other decisions that affect their lives, and in implementing aid programmes is therefore essential. Moreover, they can help to salvage what remains of society by encouraging the restoration of communal links or supporting the reintegration of permanently displaced persons into new communities. They hold the knowledge and ability to reunify families and create support structures for unaccompanied children and elderly people.

(c) Women, children and youth

59. Tragically, women and children are the principal victims of armed conflict. Women are vulnerable to sexual violence, trafficking and mutilation, whether at home, in flight or in camps for displaced populations. Yet women also play a prominent role in rebuilding war-torn societies. Women's roles as mediators and as a primary force of economic activity during armed conflict are still underexamined and underutilized. In Cambodia, Colombia, East Timor, Guatemala, Liberia, Mozambique, Somalia and many other places women have set examples of peace-building across clans, political affiliations and ethnicity. The study requested by the Security Council in its resolution 1325 (2000) concerning women and peace and security will further inform such efforts and promote understanding of the impact of armed conflict on women and the role they do and can play in peace-building.

60. Children too, besides being victimized as child soldiers and in many other ways during armed conflict, have a role to play in building a more stable future for war-torn countries. In its resolution 1314 (2000) concerning children in armed conflict, the Security Council called on Member States to encourage the involvement of young persons in programmes for peace consolidation and peace-building. Both UNICEF and my Special Representative for Children and Armed Conflict have spoken repeatedly of the need to ensure the participation of adolescents in humanitarian responses and peace-building activities. Consequently, I reiterate the call made in my report on children and armed conflict (A/55/163-S/2000/712), for the participation of children and young people to be encouraged and promoted in all programmes and policies aimed at protecting their rights and the rights of other civilian populations, before, during and after armed conflicts, as a means to improve those programmes and policies.

(d) Private sector

61. With almost 96 per cent of the private sector engaged in the manufacturing of civilian goods and services, the private sector has a vested interest in peace-building and economic stability, and in

complementing rather than obstructing humanitarian efforts. Not all businesses, however, seek to be helpful or socially responsible. The negative role of foreign businesses in the diamond industry in Angola and Sierra Leone demonstrates this fact. The impact of the pursuit of economic interests in conflict areas has come under increasingly critical scrutiny. Corporations have been accused of complicity with human rights abuses, and corporate royalties have continued to fuel wars. It has become common knowledge that by selling diamonds and other valuable minerals, belligerents can supply themselves with small arms and light weapons, thereby prolonging and intensifying the fighting and the suffering of civilians. It is therefore of critical importance that the United Nations continues to promote the exercise of responsible investment in crisis areas, by building upon and expanding its partnership with the private sector.

Recommendations

12. I encourage the Security Council to continue investigating the linkages between illicit trade in natural resources and the conduct of war and to urge Member States and regional organizations to take appropriate measures against corporate actors, individuals and entities involved in illicit trafficking in natural resources and small arms that may further fuel conflicts.

13. I urge Member States to adopt and enforce executive and legislative measures to prevent private sector actors within their jurisdiction from engaging in commercial activities with parties to armed conflict that might result in or contribute to systematic violations of international humanitarian and human rights law.

2. Regional organizations

62. In recent years, the United Nations has increasingly been engaged in building partnerships, on issues pertaining to the protection of civilians, with regional and intergovernmental organizations, including the Council of Europe, the Organization for Security and Cooperation in Europe, the Organization of African Unity, the Economic Community of West African States, the Southern African Development Community, the Association of Southeast Asian Nations, the League of Arab States, the Organization of the Islamic Conference, and the Inter-American Commission on Human Rights. Often, regional organizations alone cannot sufficiently address the needs of civilians in war. The list of cooperative efforts to resolve crisis, promote respect for international law or build national institutions is therefore growing and features such prominent examples as Kosovo (Federal Republic of Yugoslavia), Sierra Leone, Ethiopia/Eritrea, Myanmar and the Occupied Palestinian Territory.

63. There remains, however, a need for greater coordination with such organizations, notably in arriving at a common analysis and understanding of the local context and its requirements and sensitivities. At their fourth high-level meeting, in February 2001, the United Nations and regional organizations adopted a framework for cooperation in peace-building (see S/2001/138) and agreed on guiding principles for cooperation in this field, as well as on possible cooperative activities such as establishing peace-building units, sending joint assessment missions to the field, developing repertories of best practices and lessons learned, and the joint holding of pledging conferences. It was agreed that a follow-up meeting at the working level should be convened before the end of 2001 to seek practical means of implementing the framework for cooperation in peace-building as well as furthering the 13 modalities for conflict prevention identified in 1998.

Recommendation

14. I encourage the Security Council to establish a more regular cooperation with regional organizations and arrangements to ensure informed decision-making, the integration of additional resources, and the use of their comparative advantages. Such cooperation should include the establishment of a regular regional reporting mechanism, and briefings, for the Security Council. Future high-level consultations between the United Nations and regional organizations will provide a welcome opportunity to further develop cooperation on strengthening the protection of civilians in armed conflict.

V. Final observations

64. The instruments, political and legal, now available for the protection of civilians in armed conflict are in urgent need of updating. They were developed in a world where State actors were overwhelmingly dominant, and they reflect that fact.

Similarly, the practice of the United Nations was, at its inception, almost exclusively focused on the interaction of Member States.

65. New mechanisms and strategies are required to deal with changed circumstances. The forms of conflict most prevalent in the world today are internal — communal violence, ethnic cleansing, terrorism, private wars financed by the international trade in diamonds or oil — and involve a proliferation of armed groups. These circumstances reflect, to varying degrees, the erosion of the central role of the State in world affairs. While civilians have been the principal victims of these changes, it is wrong to say that the new order is entirely hostile to the protection of civilians. There are opportunities which can be seized, such as the global reach of the media and of new information technologies; the growing influence of civil society organizations and non-governmental organizations; the interdependence of the global economy; and the reach of international commerce.

66. Whether we are able to establish the culture of protection to which I referred at the beginning of this report will largely depend on the extent to which the United Nations, and the international community at large, are able to engage with the changed world. Is there enough will to strengthen the criminal justice system — both internationally and within national jurisdictions? Is there willingness to engage with armed groups, as the majority of armed conflicts occur within the borders of States? Will we be able to harness the potential of the media and the Internet? Will we build effective partnerships with civil society, non-governmental and regional organizations, and the private sector? These are not abstract questions; they are questions which emerge daily in the struggle to reduce the suffering of civilians in conflict and which, if they are to be answered in the affirmative, will at a minimum require Member States to take the specific steps enumerated in this and my previous report.

67. To this end, I would like to draw the Council's attention to a matter of particular concern. The present report is the second in a series. Some 18 months have passed since I submitted my first report on the protection of civilians in armed conflict. I regret to note that only a few of its 40 recommendations are so far being implemented. Nevertheless, the present report adds a further set of 14 recommendations whose implementation I consider essential if a real improvement in protection is to be achieved. Reports and recommendations are no substitute for effective action. The primary responsibility for the protection of civilians falls on Governments and armed groups involved in conflict situations. Where they do not honour these responsibilities, it is up to the Security Council to take action. Progress in protecting civilians threatened by armed conflict is measured in lives and livelihoods, and freedom from fear, rather than in statements of intent or expressions of concern. For this reason, I urge the members of the Security Council to review progress in implementing the recommendations made in this and the previous report. Further reports can have meaning when there is clear evidence that their recommendations are effecting real progress towards their goal. By shifting the focus to implementation of recommendations already agreed upon, it should be possible to ensure that future efforts will be more effective in bringing genuine relief and protection to civilians in armed conflict.

Annex I

Recommendations and generic policy directions

A. Prosecution of violations of international criminal law

Addressing impunity requires an ongoing and consistent commitment by international actors and Governments to ensure that international conventions are ratified and implemented, that sustained and adequate funding is provided for international tribunals, that national prosecutions in accordance with international standards are encouraged where States are genuinely able and willing, and that amnesties are rejected for those who commit genocide, crimes against humanity and war crimes (see paras. 9-13).

1. I urge the Security Council and the General Assembly to provide, from the outset, reliable, sufficient and sustained funding for international efforts, whether existing or future international tribunals, arrangements established in the context of United Nations peace operations or initiatives undertaken in concert with individual Member States, to bring to justice perpetrators of grave violations of international humanitarian and human rights law.

2. I recommend that the Security Council consider the establishment of arrangements addressing impunity and, as appropriate, for truth and reconciliation, during the crafting of peacekeeping mandates, in particular where this response has been triggered by widespread and systematic violations of international humanitarian and human rights law.

3. I encourage Member States to introduce or strengthen domestic legislation and arrangements providing for the investigation, prosecution and trial of those responsible for systematic and widespread violations of international criminal law. To this end, I endorse efforts aimed at supporting Member States in building capable and credible judicial institutions that are equipped to provide fair proceedings.

B. Standards for access negotiations

Obtaining meaningful access to those in need requires skilful negotiators and clear practical standards, including benchmarks for engagement and disengagement (see paras. 14-27).

4. Recalling the Security Council's recognition, in its resolution 1265 (1999), of the importance of gaining safe and unimpeded access of humanitarian personnel to civilian populations in need, I urge the Council to actively engage the parties to each conflict in a dialogue aimed at sustaining safe access for humanitarian operations, and to demonstrate its willingness to act where such access is denied.

5. I encourage the Security Council to conduct more frequent fact-finding missions to conflict areas with a view to identifying the specific requirements for humanitarian assistance, in particular obtaining safe and meaningful access to vulnerable populations.

C. Engagement of armed groups

In view of the prevalence of civil wars among today's conflicts, a structured dialogue with armed groups is indispensable for reaching and protecting vulnerable populations in times of war (see paras. 30-32 and 48-50).

9. In its resolutions the Security Council should emphasize the direct responsibility of armed groups under international humanitarian law. Given the nature of contemporary armed conflict, protecting civilians requires the engagement of armed groups in a dialogue aimed at facilitating the provision of humanitarian assistance and protection.

10. Many armed groups have neither developed a military doctrine nor otherwise incorporated the recognized principles of international humanitarian law in their mode of operation. I therefore urge Member States and donors to support efforts to disseminate information on international humanitarian and human rights law to armed groups, and initiatives to enhance their practical understanding of the implications of those rules.

D. Separation of civilians and armed elements

The early separation of armed elements from civilian populations preserves the civilian and humanitarian character of camps and settlements for displaced persons and helps to reduce potential threats to international peace and security (see paras. 28-37).

7. I further encourage the Security Council to support the development of clear criteria and procedures for the identification and separation of armed elements in situations of massive population displacement.

E. Regional focus on conflict situations

Responding adequately to conflict situations often requires a regional focus rather than a solely country-specific approach of political decision makers. Such situations carry the potential of destabilizing entire regions or subregions and thus can jeopardize international peace and security (see paras. 28-29, 37 and 62-63).

6. I encourage the Security Council to further develop the concept of regional approaches to regional and subregional crises, in particular when formulating mandates.

14. I encourage the Security Council to establish a more regular cooperation with regional organizations and arrangements to ensure informed decision-making, the integration of additional resources, and the use of their comparative advantages. Such cooperation should include the establishment of a regular regional reporting mechanism, and briefings, for the Security Council. In this respect, future high-level consultations between the United Nations and regional organizations will provide a welcome opportunity to further develop cooperation on strengthening the protection of civilians in armed conflict.

F. Enhancing informed decision-making

In order to enhance informed decision-making of the Security Council and its members, it is necessary to use the comparative advantages of other relevant actors within and outside the United Nations system (see paras. 51-63).

11. I recommend that the Security Council develop a regular exchange with the General Assembly and other organs of the United Nations on issues pertaining to the protection of civilians in armed conflict. I suggest that the President of the General Assembly use the monthly meeting with the President of the Security Council to alert the Council to situations in which action might be required.

G. Media and information in conflict situations

Developing stronger and more coordinated media and information mechanisms in conflict areas can play a vital role in facilitating informed decision-making, guiding and maximizing the impact of humanitarian response, and building a stronger civil society based on access to free and independent media sources (see paras. 38-45).

8. I recommend that the Security Council make provision for the regular integration in mission mandates of media monitoring mechanisms that would ensure the effective monitoring, reporting and documenting of the incidence and origins of "hate media". Such mechanisms would involve relevant information stakeholders from within the United Nations and other relevant international organizations, expert non-governmental organizations, and representatives of independent local media.

H. Engaging the private sector

The United Nations and other international organizations must engage the private sector in a constructive dialogue by building creative partnerships, ensuring that corporate operations are placed within the framework of international norms and standards that provide the infrastructure on which global commerce increasingly depends (see para. 61).

12. I encourage the Security Council to continue investigating the linkages between illicit trade in natural resources and the conduct of war and to urge Member States and regional organizations to take appropriate measures against corporate actors, individuals and entities involved in illicit trafficking in natural resources and small arms that may further fuel conflicts.

13. I urge Member States to adopt and enforce executive and legislative measures to prevent private sector actors within their jurisdiction from engaging in commercial activities with parties to armed conflict that might result in or contribute to systematic violations of international humanitarian and human rights law.

Annex II

Implementation of the recommendations contained in the report of the Secretary-General of 8 September 1999

In my report on the protection of civilians in armed conflict of 8 September 1999 (S/1999/957), I made 40 concrete recommendations to the Security Council covering a wide range of initiatives. In my observations, I drew particular attention to the nine recommendations listed below, which I deemed to be of particular importance. The matrix is intended to illustrate some of the initiatives and processes undertaken since to implement the recommendations.

Recommendations	*Action taken since September 1999*
1. Take steps to strengthen the Organization's capacity to plan and deploy rapidly. This includes enhancing the participation in the United Nations Standby Arrangement System, including by increasing the numbers of civilian police and specialized civil administration and humanitarian personnel. Rapidly deployable units of military and police are also required. Also essential is the capacity to deploy quickly a Mission headquarters. (Recommendation 28)	**The report of the Panel on United Nations Peace Operations** (A/55/305-S/2000/809) was presented to the Secretary-General on 17 August 2000 and submitted by him to the Security Council on 21 August 2000. In its report, the Panel recommends reforms in the Organization's capacity to rapidly deploy peace operations (see paras. 86-91 and 102-169). It concludes, inter alia, that traditional United Nations peacekeeping operations should be fully deployed within 30 days and more complex peacekeeping operations, such as those for intra-State conflicts, within 90 days. The Panel calls upon Member States to work together to ensure coherent, multinational, brigade-sized forces, ready for effective deployment within these timelines. The United Nations Secretariat should establish an on-call list of about 100 military and 100 police officers and experts from national armies and police forces, who would be available for immediate deployment within seven days. Conditions of service for civilian specialists should be revised to enable the United Nations to attract more qualified personnel, and reward good performances with better career prospects. During **the Millennium Summit of the United Nations**, held in September 2000, the Security Council met at the level of heads of State and Government to discuss the need to ensure an effective role for the Security Council in the maintenance of international peace and security, particularly in Africa. The Council in its resolution 1318 (2000), underlined the importance of enhancing the United Nations

Recommendations	*Action taken since September 1999*
	capacity for rapid deployment of peacekeeping operations and urged Member States to provide sufficient and timely resources. The report of the Panel on United Nations Peace Operations was endorsed by the Security Council in resolution 1327 (2000), in which it recognized the importance of rapid deployment of troops, police and civilian personnel in mission areas and urged the Secretary-General to consult with troop-contributing countries on how best to achieve this important objective. **The General Assembly** at its fifty-fifth session endorsed some of the recommendations contained in the report and appropriated an additional amount of $363,000 under political affairs, and $37,200 under management and central support services. The General Assembly also approved expenditures of $9,190,200 gross for peacekeeping operations for the period from 1 July 2000 to 30 June 2001. **The United Nations Standby Arrangement System**. The Panel on United Nations Peace Operations also drew attention to the importance of promoting a precise understanding of Member States armed forces and their capacities in regard to peacekeeping. To date, 88 countries have officially expressed their willingness to participate. The High Readiness Brigade was created in response to the Secretary-General's call for a rapid deployment force. It currently comprises units from Argentina, Canada, Denmark, the Netherlands, Norway, Poland and Sweden, units trained to the same standards, for deployment in operations under Chapter VI of the Charter of the United Nations.
2. Establish a permanent technical review mechanism of United Nations and regional sanctions which can use information provided by Council members, relevant financial institutions, the Secretariat, agencies and other humanitarian actors to ascertain the probable impact of sanctions on civilians. (Recommendation 23)	No permanent technical review mechanism of the United Nations and regional sanctions has been established yet. A first step, however, has been taken by the Security Council in resolution 1333 (2000), by which it imposed sanctions on the Taliban. For the first time, the Council decided to include a "sunset" clause, according to which the Secretary-General was requested to review the humanitarian implications of the measures imposed and

Recommendations	*Action taken since September 1999*
	report to the Council within 90 days of the adoption of resolution 1333 (2000). The Secretary-General, in consultation with the sanctions Committee, would also continue to report at regular intervals thereafter on any humanitarian implications and submit a comprehensive report no later than 30 days prior to the expiration of these measures.
3. Impose arms embargoes in situations where civilians and protected persons are targeted by the parties to the conflict, or where the parties are known to commit systematic and widespread violations of international humanitarian and human rights law, including the recruitment of child soldiers; and urge Member States to enforce these embargoes in their own national jurisdictions. (Recommendation 26)	The two most recent examples of weapon embargoes imposed by the Security Council apply to Afghanistan (resolution 1333 (2000)) and Ethiopia/Eritrea (resolution 1298 (2000)). With regard to the latter, the Council noted with concern that the fighting between Ethiopia and Eritrea had serious humanitarian implications for the civilian population of the two States and demanded the earliest possible reconvening of substantive peace talks under the auspices of the Organization of African Unity. Member States were asked to prevent the sale or supply to Eritrea and Ethiopia of weapons, ammunition, military vehicles, equipment and spare parts, as well as any provision to the two countries of technical aid or training related to the manufacture or use of arms. In the case of Afghanistan, States were to prevent the direct supply, sale or transfer of arms to the territory controlled by the Taliban.
4. Consider deployment in certain cases of a preventive operation, or of another preventive monitoring presence. (Recommendations 12)	Since the deployment of the United Nations Preventive Deployment Force in the former Yugoslav Republic of Macedonia and the United Nations Mission in the Central African Republic, no peacekeeping operation has been established within the strict framework of conflict prevention.
5. Make greater use of targeted sanctions to deter and contain those who commit egregious violations of international humanitarian and human rights law, as well as those parties to the conflict which continually defy the resolutions of the Council, thereby flouting its authority. (Recommendation 22)	Despite the recommendations of the **Interlaken process**, sanctions regimes targeting specific groups of individuals have not been established yet. The Interlaken process on targeted financial sanctions was finalized in 1999 and aimed at improving the effectiveness of financial sanctions regimes and limiting the humanitarian impact of comprehensive economic embargoes. Experts concluded that, although targeted financial sanctions appeared to be technically workable, serious difficulties

Recommendations	*Action taken since September 1999*
	remained in the tracking of financial transactions and localizaiton of financial assets. Furthermore, it was noted that international cooperation among Member States would need to be formalized to ensure the proper implementation of sanctions and that more consistent United Nations sanctions resolutions with the appropriate technical guidelines should be adopted. The **Bonn-Berlin process** followed the model of the Interlaken process in investigating how to make United Nations sanctions better targeted, but with the primary focus on arms embargoes and travel and aviation sanctions. It was suggested that an extensive monitoring mechanism for arms embargoes should be established and that consideration could be given to the imposition of secondary measures in cases of proved violations.
6. Deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of arms, combatants and armed elements is suspected; and if such elements are found and national forces are unable to or unwilling to intervene, deploy regional or international military forces that are prepared to take effective measures to compel disarmament of the combatants or armed elements. (Recommendation 35)	No international military observers have been deployed for the purpose of monitoring the situation in camps for internally displaced persons and refugees. However, military observers have sometimes carried out this task as part of their regular activities. Being increasingly faced with dangerous situations in camps and settlements for refugees and internally displaced persons, UNHCR has made various attempts to improve security in such camps and to preserve their civilian nature. In the camps established for Rwandan refugees in eastern Zaire (now the Democratic Republic of the Congo), UNHCR paid and equipped a special Zairian contingent, recruited from Zairian presidential guard, to monitor security conditions. In addition, UNHCR has supported Tanzanian police officers in carrying out their task of enhancing security in camps of Burundian refugees in the United Republic of Tanzania and in ensuring the civilian and humanitarian character of those camps. In camps established for Kosovo Albanian refugees in the former Yugoslav Republic of Macedonia, UNHCR arranged for the deployment of an international police adviser.

Recommendations	*Action taken since September 1999*
7. Underscore in its resolutions, at the onset of a conflict, the imperative for civilian populations to have unimpeded access to humanitarian assistance, and for concerned parties, including non-State actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access, as well as to guarantee the security of humanitarian organizations, in accordance with the principles of humanity, neutrality and impartiality, and insist that failure to comply will result in the imposition of targeted sanctions. (Recommendation 18)	In many of its recent resolutions, including resolutions on the situations in the Democratic Republic of the Congo, East Timor, Ethiopia/Eritrea and Sierra Leone, the Security Council underscored the importance of civilian populations having unimpeded access to humanitarian assistance. When establishing the United Nations Mission in Sierra Leone by resolution 1289 (2000), the Council authorized the Mission to take necessary action to afford protection to civilians under imminent threat of physical violence, and reiterated this mandate in resolution 1313 (2000). The following resolutions have included similar provisions on the need for unimpeded access to humanitarian assistance: resolution 1272 (1999) on the establishment of the United Nations Transitional Administration in East Timor; resolution 1291 (2000) on the situation concerning the Democratic Republic of the Congo; and resolutions 1312 (2000) and 1320 (2000) on the situation between Eritrea and Ethiopia.
8. Ensure that, whenever required, peacekeeping and peace enforcement operations are authorized and equipped to control or close down hate media assets. (Recommendation 16)	No peacekeeping or peace enforcement operation has yet been authorized to close down the assets of hate media.
9. In the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action. Before acting in such cases, either with a United Nations, regional or multinational arrangement, and in order to reinforce political support for such efforts, enhance confidence in their legitimacy and deter perceptions of selectivity or bias towards one region or another, the Council should consider the following factors:	There is an ongoing global debate among Member States on the relationship between military intervention to halt or prevent cases of widespread and systematic violations of international humanitarian and human rights law and State sovereignty. One such initiative is the International Commission on Intervention and State Sovereignty, which was established in September 2000 and is seeking to reconcile the concepts of interventions and State sovereignty. The Commission is an independent international body designed to help bridge the two concepts. Its aim is to build a broader understanding of these issues and to foster a global political consensus on how to move towards action within the United Nations system. The Commission intends to finalize its report by the autumn of 2001.
(a) The scope of the breaches of human rights and international humanitarian law, including the numbers of people affected and the nature of the violations;	

Recommendations	*Action taken since September 1999*
(b) The inability of local authorities to uphold legal order, or identification of a pattern of complicity by local authorities;	
(c) The exhaustion of peaceful or consent-based efforts to address the situation;	
(d) The ability of the Security Council to monitor actions that are undertaken;	
(e) The limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment. (Recommendation 40)	